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RESTORING HEALTHY FORESTS FOR HEALTHY  
COMMUNITIES ACT

SEPTEMBER --, 2013.—Ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural  
Resources, submitted the following

R E P O R T

together with

*Additional* VIEWS

[To accompany H.R. 1526]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1526) to restore employment and educational opportunities in, and improve the economic stability of, counties containing National Forest System land, while also reducing Forest Service management costs, by ensuring that such counties have a dependable source of revenue from National Forest System land, to provide a temporary extension of the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Restoring Healthy Forests for Healthy Communities Act”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RESTORING THE COMMITMENT TO RURAL COUNTIES AND SCHOOLS

Sec. 101. Purposes.

Sec. 102. Definitions.

Sec. 103. Establishment of Forest Reserve Revenue Areas and annual volume requirements.

Sec. 104. Management of Forest Reserve Revenue Areas.

Sec. 105. Distribution of forest reserve revenues.

TITLE II—HEALTHY FOREST MANAGEMENT AND CATASTROPHIC WILDFIRE PREVENTION

- Sec. 201. Purposes.
- Sec. 202. Definitions.
- Sec. 203. Hazardous fuel reduction projects and forest health projects in at-risk forests.
- Sec. 204. Environmental analysis.
- Sec. 205. State designation of high-risk areas of National Forest System and public lands.
- Sec. 206. Use of hazardous fuels reduction or forest health projects for high-risk areas.

TITLE III—OREGON AND CALIFORNIA RAILROAD GRANT LANDS TRUST, CONSERVATION, AND JOBS

- Sec. 301. Short title.
- Sec. 302. Definitions.

Subtitle A—Trust, Conservation, and Jobs

CHAPTER 1—CREATION AND TERMS OF O&C TRUST

- Sec. 311. Creation of O&C Trust and designation of O&C Trust lands.
- Sec. 312. Legal effect of O&C Trust and judicial review.
- Sec. 313. Board of Trustees.
- Sec. 314. Management of O&C Trust lands.
- Sec. 315. Distribution of revenues from O&C Trust lands.
- Sec. 316. Land exchange authority.
- Sec. 317. Payments to the United States Treasury.

CHAPTER 2—TRANSFER OF CERTAIN LANDS TO FOREST SERVICE

- Sec. 321. Transfer of certain Oregon and California Railroad Grant lands to Forest Service.
- Sec. 322. Management of transferred lands by Forest Service.
- Sec. 323. Management efficiencies and expedited land exchanges.
- Sec. 324. Review panel and old growth protection.
- Sec. 325. Uniqueness of old growth protection on Oregon and California Railroad Grant lands.

CHAPTER 3—TRANSITION

- Sec. 331. Transition period and operations.
- Sec. 332. O&C Trust management capitalization.
- Sec. 333. Existing Bureau of Land Management and Forest Service contracts.
- Sec. 334. Protection of valid existing rights and access to non-Federal land.
- Sec. 335. Repeal of superseded law relating to Oregon and California Railroad Grant lands.

Subtitle B—Coos Bay Wagon Roads

- Sec. 341. Transfer of management authority over certain Coos Bay Wagon Road Grant lands to Coos County, Oregon.
- Sec. 342. Transfer of certain Coos Bay Wagon Road Grant lands to Forest Service.
- Sec. 343. Land exchange authority.

Subtitle C—Oregon Treasures

CHAPTER 1—WILDERNESS AREAS

- Sec. 351. Designation of Devil's Staircase Wilderness.
- Sec. 352. Expansion of Wild Rogue Wilderness Area.

CHAPTER 2—WILD AND SCENIC RIVER DESIGNATED AND RELATED PROTECTIONS

- Sec. 361. Wild and scenic river designations, Molalla River.
- Sec. 362. Wild and Scenic Rivers Act technical corrections related to Chetco River.
- Sec. 363. Wild and scenic river designations, Wasson Creek and Franklin Creek.
- Sec. 364. Wild and scenic river designations, Rogue River area.
- Sec. 365. Additional protections for Rogue River tributaries.

CHAPTER 3—ADDITIONAL PROTECTIONS

- Sec. 371. Limitations on land acquisition.
- Sec. 372. Overflights.
- Sec. 373. Buffer zones.
- Sec. 374. Prevention of wildfires.
- Sec. 375. Limitation on designation of certain lands in Oregon.

CHAPTER 4—EFFECTIVE DATE

- Sec. 381. Effective date.

Subtitle D—Tribal Trust Lands

PART 1—COUNCIL CREEK LAND CONVEYANCE

- Sec. 391. Definitions.
- Sec. 392. Conveyance.
- Sec. 393. Map and legal description.
- Sec. 394. Administration.

PART 2—OREGON COASTAL LAND CONVEYANCE

- Sec. 395. Definitions.
- Sec. 396. Conveyance.
- Sec. 397. Map and legal description.
- Sec. 398. Administration.

TITLE IV—COMMUNITY FOREST MANAGEMENT DEMONSTRATION

- Sec. 401. Purpose and definitions.
- Sec. 402. Establishment of community forest demonstration areas.
- Sec. 403. Advisory committee.
- Sec. 404. Management of community forest demonstration areas.
- Sec. 405. Distribution of funds from community forest demonstration area.
- Sec. 406. Initial funding authority.
- Sec. 407. Payments to United States Treasury.
- Sec. 408. Termination of community forest demonstration area.

TITLE V—REAUTHORIZATION AND AMENDMENT OF EXISTING AUTHORITIES AND OTHER MATTERS

- Sec. 501. Extension of Secure Rural Schools and Community Self-Determination Act of 2000 pending full operation of Forest Reserve Revenue Areas.
- Sec. 502. Restoring original calculation method for 25-percent payments.
- Sec. 503. Forest Service and Bureau of Land Management good-neighbor cooperation with States to reduce wildfire risks.
- Sec. 504. Stewardship end result contracting project authority.
- Sec. 505. Clarification of National Forest Management Act of 1976 authority.
- Sec. 506. Treatment as supplemental funding.
- Sec. 507. Exception of certain forest projects and activities from Appeals Reform Act and other review.

## TITLE I—RESTORING THE COMMITMENT TO RURAL COUNTIES AND SCHOOLS

SEC. 101. PURPOSES.

The purposes of this title are as follows:

- (1) To restore employment and educational opportunities in, and improve the economic stability of, counties containing National Forest System land.
- (2) To ensure that such counties have a dependable source of revenue from National Forest System land.
- (3) To reduce Forest Service management costs while also ensuring the protection of United States forests resources.

SEC. 102. DEFINITIONS.

In this title:

(1) ANNUAL VOLUME REQUIREMENT.—

(A) IN GENERAL.—The term “annual volume requirement”, with respect to a Forest Reserve Revenue Area, means a volume of national forest materials no less than 50 percent of the sustained yield of the Forest Reserve Revenue Area.

(B) EXCLUSIONS.—In determining the volume of national forest materials or the sustained yield of a Forest Reserve Revenue Area, the Secretary may not include non-commercial post and pole sales and personal use firewood.

(2) BENEFICIARY COUNTY.—The term “beneficiary county” means a political subdivision of a State that, on account of containing National Forest System land, was eligible to receive payments through the State under title I of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111 et seq.).

(3) CATASTROPHIC EVENT.—The term “catastrophic event” means an event (including severe fire, insect or disease infestations, windthrow, or other extreme weather or natural disaster) that the Secretary determines will cause or has caused substantial damage to National Forest System land or natural resources on National Forest System land.

(4) COVERED FOREST RESERVE PROJECT.—The terms “covered forest reserve project” and “covered project” mean a project involving the management or sale of national forest materials within a Forest Reserve Revenue Area to generate forest reserve revenues and achieve the annual volume requirement for the Forest Reserve Revenue Area.

(5) FOREST RESERVE REVENUE AREA.—

(A) IN GENERAL.—The term “Forest Reserve Revenue Area” means National Forest System land in a unit of the National Forest System designated for sustainable forest management for the production of national forest materials and forest reserve revenues.

(B) INCLUSIONS.—Subject to subparagraph (C), but otherwise notwithstanding any other provision of law, including executive orders and regulations, the Secretary shall include in Forest Reserve Revenue Areas not less than 50 percent of the National Forest System lands identified as commercial forest land capable of producing twenty cubic feet of timber per acre.

(C) EXCLUSIONS.—A Forest Reserve Revenue Area may not include National Forest System land—

- (i) that is a component of the National Wilderness Preservation System;
- (ii) on which the removal of vegetation is specifically prohibited by Federal statute; or
- (iii) that is within a National Monument as of the date of the enactment of this Act.

(6) FOREST RESERVE REVENUES.—The term “forest reserve revenues” means revenues derived from the sale of national forest materials in a Forest Reserve Revenue Area.

(7) NATIONAL FOREST MATERIALS.—The term “national forest materials” has the meaning given that term in section 14(e)(1) of the National Forest Management Act of 1976 (16 U.S.C. 472a(e)(1)).

(8) NATIONAL FOREST SYSTEM.—The term “National Forest System” has the meaning given that term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)), except that the term does not include the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012).

(9) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(10) SUSTAINED YIELD.—The term “sustained yield” means the maximum annual growth potential of the forest calculated on the basis of the culmination of mean annual increment using cubic measurement.

(11) STATE.—The term “State” includes the Commonwealth of Puerto Rico.

(12) 25-PERCENT PAYMENT.—The term “25-percent payment” means the payment to States required by the sixth paragraph under the heading of “FOREST SERVICE” in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

**SEC. 103. ESTABLISHMENT OF FOREST RESERVE REVENUE AREAS AND ANNUAL VOLUME REQUIREMENTS.**

(a) ESTABLISHMENT OF FOREST RESERVE REVENUE AREAS.—Notwithstanding any other provision of law, the Secretary shall establish one or more Forest Reserve Revenue Areas within each unit of the National Forest System.

(b) DEADLINE FOR ESTABLISHMENT.—The Secretary shall complete establishment of the Forest Reserve Revenue Areas not later than 60 days after the date of enactment of this Act.

(c) PURPOSE.—The purpose of a Forest Reserve Revenue Area is to provide a dependable source of 25-percent payments and economic activity through sustainable forest management for each beneficiary county containing National Forest System land.

(d) FIDUCIARY RESPONSIBILITY.—The Secretary shall have a fiduciary responsibility to beneficiary counties to manage Forest Reserve Revenue Areas to satisfy the annual volume requirement.

(e) DETERMINATION OF ANNUAL VOLUME REQUIREMENT.—Not later than 30 days after the date of the establishment of a Forest Reserve Revenue Area, the Secretary shall determine the annual volume requirement for that Forest Reserve Revenue Area.

(f) LIMITATION ON REDUCTION OF FOREST RESERVE REVENUE AREAS.—Once a Forest Reserve Revenue Area is established under subsection (a), the Secretary may not reduce the number of acres of National Forest System land included in that Forest Reserve Revenue Area.

(g) MAP.—The Secretary shall provide a map of all Forest Reserve Revenue Areas established under subsection (a) for each unit of the National Forest System—

- (1) to the Committee on Agriculture and the Committee on Natural Resources of the House of Representatives; and
- (2) to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources of the Senate.

(h) RECOGNITION OF VALID AND EXISTING RIGHTS.—Neither the establishment of Forest Reserve Revenue Areas under subsection (a) nor any other provision of this title shall be construed to limit or restrict—

- (1) access to National Forest System land for hunting, fishing, recreation, and other related purposes; or
- (2) valid and existing rights regarding National Forest System land, including rights of any federally recognized Indian tribe.

**SEC. 104. MANAGEMENT OF FOREST RESERVE REVENUE AREAS.**

(a) **REQUIREMENT TO ACHIEVE ANNUAL VOLUME REQUIREMENT.**—Immediately upon the establishment of a Forest Reserve Revenue Area, the Secretary shall manage the Forest Reserve Revenue Area in the manner necessary to achieve the annual volume requirement for the Forest Reserve Revenue Area. The Secretary is authorized and encouraged to commence covered forest reserve projects as soon as practicable after the date of the enactment of this Act to begin generating forest reserve revenues.

(b) **STANDARDS FOR PROJECTS WITHIN FOREST RESERVE REVENUE AREAS.**—The Secretary shall conduct covered forest reserve projects within Forest Reserve Revenue Areas in accordance with this section, which shall serve as the sole means by which the Secretary will comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) and other laws applicable to the covered projects.

(c) **ENVIRONMENTAL ANALYSIS PROCESS FOR PROJECTS IN FOREST RESERVE REVENUE AREAS.**—

(1) **ENVIRONMENTAL ASSESSMENT.**—The Secretary shall give published notice and complete an environmental assessment pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for a covered forest reserve project proposed to be conducted within a Forest Reserve Revenue Area, except that the Secretary is not required to study, develop, or describe any alternative to the proposed agency action.

(2) **CUMULATIVE EFFECTS.**—The Secretary shall consider cumulative effects solely by evaluating the impacts of a proposed covered forest reserve project combined with the impacts of any other projects that were approved with a Decision Notice or Record of Decision before the date on which the Secretary published notice of the proposed covered project. The cumulative effects of past projects may be considered in the environmental assessment by using a description of the current environmental conditions.

(3) **LENGTH.**—The environmental assessment prepared for a proposed covered forest reserve project shall not exceed 100 pages in length. The Secretary may incorporate in the environmental assessment, by reference, any documents that the Secretary determines, in the sole discretion of the Secretary, are relevant to the assessment of the environmental effects of the covered project.

(4) **DEADLINE FOR COMPLETION.**—The Secretary shall complete the environmental assessment for a covered forest reserve project within 180 days after the date on which the Secretary published notice of the proposed covered project.

(5) **TREATMENT OF DECISION NOTICE.**—The decision notice for a covered forest reserve project shall be considered a final agency action and no additional analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) shall be required to implement any portion of the covered project.

(6) **CATEGORICAL EXCLUSION.**—A covered forest reserve project that is proposed in response to a catastrophic event, that covers an area of 10,000 acres or less, or an eligible hazardous fuel reduction or forest health project proposed under title II that involves the removal of insect-infected trees, dead or dying trees, trees presenting a threat to public safety, or other hazardous fuels within 500 feet of utility or telephone infrastructure, campgrounds, roadsides, heritage sites, recreation sites, schools, or other infrastructure, shall be categorically excluded from the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

(d) **APPLICATION OF LAND AND RESOURCE MANAGEMENT PLAN.**—The Secretary shall not modify the standards and guidelines contained in the land and resource management plan for the unit of the National Forest System in which the covered forest reserve project will be carried out unless necessary to achieve the requirements of this Act. Section 6(g)(3)(E)(iv) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(g)(3)(E)(iv)) shall not apply to a covered forest reserve project.

(e) **COMPLIANCE WITH ENDANGERED SPECIES ACT.**—

(1) **NON-JEOPARDY ASSESSMENT.**—If the Secretary determines that a proposed covered forest reserve project may affect the continued existence of any species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), the Secretary shall issue a determination explaining the view of the Secretary that the proposed covered project is not likely to jeopardize the continued existence of the species.

(2) **SUBMISSION, REVIEW, AND RESPONSE.**—

(A) **SUBMISSION.**—The Secretary shall submit a determination issued by the Secretary under paragraph (1) to the Secretary of the Interior or the Secretary of Commerce, as appropriate.

(B) **REVIEW AND RESPONSE.**—Within 30 days after receiving a determination under subparagraph (A), the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall provide a written response to the Secretary concurring in or rejecting the Secretary's determination. If the Secretary of the Interior or the Secretary of Commerce rejects the determination, the written response shall include recommendations for measures that—

- (i) will avoid the likelihood of jeopardy to an endangered or threatened species;
- (ii) can be implemented in a manner consistent with the intended purpose of the covered forest reserve project;
- (iii) can be implemented consistent with the scope of the Secretary's legal authority and jurisdiction; and
- (iv) are economically and technologically feasible.

(3) **FORMAL CONSULTATION.**—If the Secretary of the Interior or the Secretary of Commerce rejects a determination issued by the Secretary under paragraph (1), the Secretary of the Interior or the Secretary of Commerce also is required to engage in formal consultation with the Secretary. The Secretaries shall complete such consultation pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) within 90 days after the submission of the written response under paragraph (2).

(f) **ADMINISTRATIVE AND JUDICIAL REVIEW.**—

(1) **ADMINISTRATIVE REVIEW.**—Administrative review of a covered forest reserve project shall occur only in accordance with the special administrative review process established under section 105 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6515).

(2) **JUDICIAL REVIEW.**—

(A) **IN GENERAL.**—Judicial review of a covered forest reserve project shall occur in accordance with section 106 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6516).

(B) **BOND REQUIRED.**—A plaintiff challenging a covered forest reserve project shall be required to post a bond or other security acceptable to the court for the reasonably estimated costs, expenses, and attorneys fees of the Secretary as defendant. All proceedings in the action shall be stayed until the security is given. If the plaintiff has not complied with the order to post such bond or other security within 90 days after the date of service of the order, then the action shall be dismissed with prejudice.

(C) **RECOVERY.**—If the Secretary prevails in the case, the Secretary shall submit to the court a motion for payment of all litigation expenses.

(g) **USE OF ALL-TERRAIN VEHICLES FOR MANAGEMENT ACTIVITIES.**—The Secretary may allow the use of all-terrain vehicles within the Forest Reserve Revenue Areas for the purpose of activities associated with the sale of national forest materials in a Forest Reserve Revenue Area.

**SEC. 105. DISTRIBUTION OF FOREST RESERVE REVENUES.**

(a) **25-PERCENT PAYMENTS.**—The Secretary shall use forest reserve revenues generated by a covered forest reserve project to make 25-percent payments to States for the benefit of beneficiary counties.

(b) **DEPOSIT IN KNUTSON-VANDEMBERG AND SALVAGE SALE FUNDS.**—After compliance with subsection (a), the Secretary shall use forest reserve revenues to make deposits into the fund established under section 3 of the Act of June 9, 1930 (16 U.S.C. 576b; commonly known as the Knutson-Vandenberg Fund) and the fund established under section 14(h) of the National Forest Management Act of 1976 (16 U.S.C. 472a(h); commonly known as the salvage sale fund) in contributions equal to the monies otherwise collected under those Acts for projects conducted on National Forest System land.

(c) **DEPOSIT IN GENERAL FUND OF THE TREASURY.**—After compliance with subsections (a) and (b), the Secretary shall deposit remaining forest reserve revenues into the general fund of the Treasury.

## TITLE II—HEALTHY FOREST MANAGEMENT AND CATASTROPHIC WILDFIRE PREVENTION

### SEC. 201. PURPOSES.

The purposes of this title are as follows:

- (1) To provide the Secretary of Agriculture and the Secretary of the Interior with the tools necessary to reduce the potential for wildfires.
- (2) To expedite wildfire prevention projects to reduce the chances of wildfire on certain high-risk Federal lands.
- (3) To protect communities and forest habitat from uncharacteristic wildfires.
- (4) To enhance aquatic conditions and terrestrial wildlife habitat.
- (5) To restore diverse and resilient landscapes through improved forest conditions.

### SEC. 202. DEFINITIONS.

In this title:

- (1) **AT-RISK COMMUNITY.**—The term “at-risk community” has the meaning given that term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).
- (2) **AT-RISK FOREST.**—The term “at-risk forest” means—
  - (A) Federal land in condition class II or III, as those classes were developed by the Forest Service Rocky Mountain Research Station in the general technical report titled “Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management” (RMRS-87) and dated April 2000 or any subsequent revision of the report; or
  - (B) Federal land where there exists a high risk of losing an at-risk community, key ecosystem, water supply, wildlife, or wildlife habitat to wildfire, including catastrophic wildfire and post-fire disturbances, as designated by the Secretary concerned.
- (3) **FEDERAL LAND.**—
  - (A) **COVERED LAND.**—The term “Federal land” means—
    - (i) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))); or
    - (ii) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).
  - (B) **EXCLUDED LAND.**—The term does not include land—
    - (i) that is a component of the National Wilderness Preservation System;
    - (ii) on which the removal of vegetation is specifically prohibited by Federal statute; or
    - (iii) that is within a National Monument as of the date of the enactment of this Act.
- (4) **HIGH-RISK AREA.**—The term “high-risk area” means an area of Federal land identified under section 205 as an area suffering from the bark beetle epidemic, drought, or deteriorating forest health conditions, with the resulting imminent risk of devastating wildfires, or otherwise at high risk for bark beetle infestation, drought, or wildfire.
- (5) **SECRETARY CONCERNED.**—The term “Secretary concerned” means—
  - (A) the Secretary of Agriculture, in the case of National Forest System land; and
  - (B) the Secretary of the Interior, in the case of public lands.
- (6) **ELIGIBLE HAZARDOUS FUEL REDUCTION AND FOREST HEALTH PROJECTS.**—The terms “hazardous fuel reduction project” or “forest health project” mean the measures and methods developed for a project to be carried out on Federal land—
  - (A) in an at-risk forest under section 203 for hazardous fuels reduction, forest health, forest restoration, or watershed restoration, using ecological restoration principles consistent with the forest type where such project will occur; or
  - (B) in a high-risk area under section 206.

**SEC. 203. HAZARDOUS FUEL REDUCTION PROJECTS AND FOREST HEALTH PROJECTS IN AT-RISK FORESTS.**

(a) **IMPLEMENTATION.**—As soon as practicable after the date of the enactment of this Act, the Secretary concerned is authorized to implement a hazardous fuel reduction project or a forest health project in at-risk forests in a manner that focuses on surface, ladder, and canopy fuels reduction activities using ecological restoration principles consistent with the forest type in the location where such project will occur.

(b) **AUTHORIZED PRACTICES.**—

(1) **INCLUSION OF LIVESTOCK GRAZING AND TIMBER HARVESTING.**—A hazardous fuel reduction project or a forest health project may include livestock grazing and timber harvest projects carried out for the purposes of hazardous fuels reduction, forest health, forest restoration, watershed restoration, or threatened and endangered species habitat protection or improvement, if the management action is consistent with achieving long-term ecological restoration of the forest type in the location where such project will occur.

(2) **GRAZING.**—Domestic livestock grazing may be used in a hazardous fuel reduction project or a forest health project to reduce surface fuel loads and to recover burned areas. Utilization standards shall not apply when domestic livestock grazing is used in such a project.

(3) **TIMBER HARVESTING AND THINNING.**—Timber harvesting and thinning, where the ecological restoration principles are consistent with the forest type in the location where such project will occur, may be used in a hazardous fuel reduction project or a forest health project to reduce ladder and canopy fuel loads to prevent unnatural fire.

(c) **PRIORITY.**—The Secretary concerned shall give priority to hazardous fuel reduction projects and forest health projects submitted by the Governor of a State as provided in section 206(c) and to projects submitted under the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a).

**SEC. 204. ENVIRONMENTAL ANALYSIS.**

Subsections (b) through (f) of section 104 shall apply to the implementation of a hazardous fuel reduction project or a forest health project under this title.

**SEC. 205. STATE DESIGNATION OF HIGH-RISK AREAS OF NATIONAL FOREST SYSTEM AND PUBLIC LANDS.**

(a) **DESIGNATION AUTHORITY.**—The Governor of a State may designate high-risk areas of Federal land in the State for the purposes of addressing—

(1) deteriorating forest health conditions in existence as of the date of the enactment of this Act due to the bark beetle epidemic or drought, with the resulting imminent risk of devastating wildfires; and

(2) the future risk of insect infestations or disease outbreaks through preventative treatments to improve forest health conditions.

(b) **CONSULTATION.**—In designating high-risk areas, the Governor of a State shall consult with county government from affected counties and with affected Indian tribes.

(c) **EXCLUSION OF CERTAIN AREAS.**—The following Federal land may not be designated as a high-risk area:

(1) A component of the National Wilderness Preservation System.

(2) Federal land on which the removal of vegetation is specifically prohibited by Federal statute.

(3) Federal land within a National Monument as of the date of the enactment of this Act.

(d) **STANDARDS FOR DESIGNATION.**—Designation of high-risk areas shall be consistent with standards and guidelines contained in the land and resource management plan or land use plan for the unit of Federal land for which the designation is being made, except that the Secretary concerned may modify such standards and guidelines to correspond with a specific high-risk area designation.

(e) **TIME FOR INITIAL DESIGNATIONS.**—The first high-risk areas should be designated not later than 60 days after the date of the enactment of this Act, but high-risk areas may be designated at any time consistent with subsection (a).

(f) **DURATION OF DESIGNATION.**—The designation of a high-risk area in a State shall expire 20 years after the date of the designation, unless earlier terminated by the Governor of the State.

(g) **REDESIGNATION.**—The expiration of the 20-year period specified in subsection (f) does not prohibit the Governor from redesignating an area of Federal land as a

high-risk area under this section if the Governor determines that the Federal land continues to be subject to the terms of this section.

(h) **RECOGNITION OF VALID AND EXISTING RIGHTS.**—The designation of a high-risk area shall not be construed to limit or restrict—

- (1) access to Federal land included in the area for hunting, fishing, and other related purposes; or
- (2) valid and existing rights regarding the Federal land.

**SEC. 206. USE OF HAZARDOUS FUELS REDUCTION OR FOREST HEALTH PROJECTS FOR HIGH-RISK AREAS.**

(a) **PROJECT PROPOSALS.**—

(1) **PROPOSALS AUTHORIZED.**—Upon designation of a high-risk area in a State, the Governor of the State may provide for the development of proposed hazardous fuel reduction projects or forest health projects for the high-risk area.

(2) **PROJECT CRITERIA.**—In preparing a proposed hazardous fuel reduction project or a forest health project, the Governor of a State and the Secretary concerned shall—

(A) take into account managing for rights of way, protection of watersheds, protection of wildlife and endangered species habitat, safe-guarding water resources, and protecting at-risk communities from wildfires; and

(B) emphasize activities that thin the forest to provide the greatest health and longevity of the forest.

(b) **CONSULTATION.**—In preparing a proposed hazardous fuel reduction project or a forest health project, the Governor of a State shall consult with county government from affected counties, and with affected Indian tribes.

(c) **SUBMISSION AND IMPLEMENTATION.**—The Governor of a State shall submit proposed emergency hazardous fuel reduction projects and forest health projects to the Secretary concerned for implementation as provided in section 203.

### **TITLE III—OREGON AND CALIFORNIA RAILROAD GRANT LANDS TRUST, CONSERVATION, AND JOBS**

**SEC. 301. SHORT TITLE.**

This title may be cited as the “O&C Trust, Conservation, and Jobs Act”.

**SEC. 302. DEFINITIONS.**

In this title:

(1) **AFFILIATES.**—The term “Affiliates” has the meaning given such term in part 121 of title 13, Code of Federal Regulations.

(2) **BOARD OF TRUSTEES.**—The term “Board of Trustees” means the Board of Trustees for the Oregon and California Railroad Grant Lands Trust appointed under section 313.

(3) **COOS BAY WAGON ROAD GRANT LANDS.**—The term “Coos Bay Wagon Road Grant lands” means the lands reconveyed to the United States pursuant to the first section of the Act of February 26, 1919 (40 Stat. 1179).

(4) **FISCAL YEAR.**—The term “fiscal year” means the Federal fiscal year, October 1 through the next September 30.

(5) **GOVERNOR.**—The term “Governor” means the Governor of the State of Oregon.

(6) **O&C REGION PUBLIC DOMAIN LANDS.**—The term “O&C Region Public Domain lands” means all the land managed by the Bureau of Land Management in the Salem District, Eugene District, Roseburg District, Coos Bay District, and Medford District in the State of Oregon, excluding the Oregon and California Railroad Grant lands and the Coos Bay Wagon Road Grant lands.

(7) **O&C TRUST.**—The terms “Oregon and California Railroad Grant Lands Trust” and “O&C Trust” mean the trust created by section 311, which has fiduciary responsibilities to act for the benefit of the O&C Trust counties in the management of O&C Trust lands.

(8) **O&C TRUST COUNTY.**—The term “O&C Trust county” means each of the 18 counties in the State of Oregon that contained a portion of the Oregon and California Railroad Grant lands as of January 1, 2013, each of which are beneficiaries of the O&C Trust.

(9) O&C TRUST LANDS.—The term “O&C Trust lands” means the surface estate of the lands over which management authority is transferred to the O&C Trust pursuant to section 311(c)(1). The term does not include any of the lands excluded from the O&C Trust pursuant to section 311(c)(2), transferred to the Forest Service under section 321, or Tribal lands transferred under subtitle D.

(10) OREGON AND CALIFORNIA RAILROAD GRANT LANDS.—The term “Oregon and California Railroad Grant lands” means the following lands:

(A) All lands in the State of Oregon vested in the United States under the Act of June 9, 1916 (39 Stat. 218), regardless of whether the lands are—

(i) administered by the Secretary of the Interior, acting through the Bureau of Land Management, pursuant to the first section of the Act of August 28, 1937 (43 U.S.C. 1181a); or

(ii) administered by the Secretary of Agriculture as part of the National Forest System pursuant to the first section of the Act of June 24, 1954 (43 U.S.C. 1181g).

(B) All lands in the State obtained by the Secretary of the Interior pursuant to the land exchanges authorized and directed by section 2 of the Act of June 24, 1954 (43 U.S.C. 1181h).

(C) All lands in the State acquired by the United States at any time and made subject to the provisions of title II of the Act of August 28, 1937 (43 U.S.C. 1181f).

(11) RESERVE FUND.—The term “Reserve Fund” means the reserve fund created by the Board of Trustees under section 315(b).

(12) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of the Interior, with respect to Oregon and California Railroad Grant lands that are transferred to the management authority of the O&C Trust and, immediately before such transfer, were managed by the Bureau of Land Management; and

(B) the Secretary of Agriculture, with respect to Oregon and California Railroad Grant lands that—

(i) are transferred to the management authority of the O&C Trust and, immediately before such transfer, were part of the National Forest System; or

(ii) are transferred to the Forest Service under section 321.

(13) STATE.—The term “State” means the State of Oregon.

(14) TRANSITION PERIOD.—The term “transition period” means the three fiscal-year period specified in section 331 following the appointment of the Board of Trustees during which—

(A) the O&C Trust is created; and

(B) interim funding of the O&C Trust is secured.

(15) TRIBAL LANDS.—The term “Tribal lands” means any of the lands transferred to the Cow Creek Band of the Umpqua Tribe of Indians or the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians under subtitle D.

## Subtitle A—Trust, Conservation, and Jobs

### CHAPTER 1—CREATION AND TERMS OF O&C TRUST

#### SEC. 311. CREATION OF O&C TRUST AND DESIGNATION OF O&C TRUST LANDS.

(a) CREATION.—The Oregon and California Railroad Grant Lands Trust is established effective on October 1 of the first fiscal year beginning after the appointment of the Board of Trustees. As management authority over the surface of estate of the O&C Trust lands is transferred to the O&C Trust during the transition period pursuant to section 331, the transferred lands shall be held in trust for the benefit of the O&C Trust counties.

(b) TRUST PURPOSE.—The purpose of the O&C Trust is to produce annual maximum sustained revenues in perpetuity for O&C Trust counties by managing the timber resources on O&C Trust lands on a sustained-yield basis subject to the management requirements of section 314.

(c) DESIGNATION OF O&C TRUST LANDS.—

(1) LANDS INCLUDED.—Except as provided in paragraph (2), the O&C Trust lands shall include all of the lands containing the stands of timber described in subsection (d) that are located, as of January 1, 2013, on Oregon and California Railroad Grant lands and O&C Region Public Domain lands.

(2) LANDS EXCLUDED.—O&C Trust lands shall not include any of the following Oregon and California Railroad Grant lands and O&C Region Public Domain lands (even if the lands are otherwise described in subsection (d)):

(A) Federal lands within the National Landscape Conservation System as of January 1, 2013.

(B) Federal lands designated as Areas of Critical Environmental Concern as of January 1, 2013.

(C) Federal lands that were in the National Wilderness Preservation System as of January 1, 2013.

(D) Federal lands included in the National Wild and Scenic Rivers System of January 1, 2013.

(E) Federal lands within the boundaries of a national monument, park, or other developed recreation area as of January 1, 2013.

(F) Oregon treasures addressed in subtitle C, any portion of which, as of January 1, 2013, consists of Oregon and California Railroad Grant lands or O&C Region Public Domain lands.

(G) Tribal lands addressed in subtitle D.

(d) COVERED STANDS OF TIMBER.—

(1) DESCRIPTION.—The O&C Trust lands consist of stands of timber that have previously been managed for timber production or that have been materially altered by natural disturbances since 1886. Most of these stands of timber are 80 years old or less, and all of such stands can be classified as having a predominant stand age of 125 years or less.

(2) DELINEATION OF BOUNDARIES BY BUREAU OF LAND MANAGEMENT.—The Oregon and California Railroad Grant lands and O&C Region Public Domain lands that, immediately before transfer to the O&C Trust, were managed by the Bureau of Land Management are timber stands that have predominant birth date attributes of 1886 or later, with boundaries that are defined by polygon spatial data layer in and electronic data compilation filed by the Bureau of Land Management pursuant to paragraph (4). Except as provided in paragraph (5), the boundaries of all timber stands constituting the O&C Trust lands are finally and conclusively determined for all purposes by coordinates in or derived by reference to the polygon spatial data layer prepared by the Bureau of Land Management and filed pursuant to paragraph (4), notwithstanding anomalies that might later be discovered on the ground. The boundary coordinates are locatable on the ground by use of global positioning system signals. In cases where the location of the stand boundary is disputed or is inconsistent with paragraph (1), the location of boundary coordinates on the ground shall be, except as otherwise provided in paragraph (5), finally and conclusively determined for all purposes by the direct or indirect use of global positioning system equipment with accuracy specification of one meter or less.

(3) DELINEATION OF BOUNDARIES BY FOREST SERVICE.—The O&C Trust lands that, immediately before transfer to the O&C Trust, were managed by the Forest Service are timber stands that can be classified as having predominant stand ages of 125 years old or less. Within 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall commence identification of the boundaries of such stands, and the boundaries of all such stands shall be identified and made available to the Board of Trustees not later than 180 days following the creation of the O&C Trust pursuant to subsection (a). In identifying the stand boundaries, the Secretary may use geographic information system data, satellite imagery, cadastral survey coordinates, or any other means available within the time allowed. The boundaries shall be provided to the Board of Trustees within the time allowed in the form of a spatial data layer from which coordinates can be derived that are locatable on the ground by use of global positioning system signals. Except as provided in paragraph (5), the boundaries of all timber stands constituting the O&C Trust lands are finally and conclusively determined for all purposes by coordinates in or derived by reference to the data provided by the Secretary within the time provided by this paragraph, notwithstanding anomalies that might later be discovered on the ground. In cases where the location of the stand boundary is disputed or inconsistent with paragraph (1), the location of boundary coordinates on the ground shall be, except as otherwise provided in paragraph (5), finally and conclusively determined for all purposes by the boundary coordinates provided by the Secretary as they are located on the ground by the direct or indirect use of global positioning system equipment with accuracy specifications of one meter or less.

All actions taken by the Secretary under this paragraph shall be deemed to not involve Federal agency action or Federal discretionary involvement or control.

(4) **DATA AND MAPS.**—Copies of the data containing boundary coordinates for the stands included in the O&C Trust lands, or from which such coordinates are derived, and maps generally depicting the stand locations shall be filed with the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, and the office of the Secretary concerned. The maps and data shall be filed—

(A) not later than 90 days after the date of the enactment of this Act, in the case of the lands identified pursuant to paragraph (2); and

(B) not later than 180 days following the creation of the O&C Trust pursuant to subsection (a), in the case of lands identified pursuant to paragraph (3).

(5) **ADJUSTMENT AUTHORITY AND LIMITATIONS.**—

(A) **NO IMPACT ON DETERMINING TITLE OR PROPERTY OWNERSHIP BOUNDARIES.**—Stand boundaries identified under paragraph (2) or (3) shall not be relied upon for purposes of determining title or property ownership boundaries. If the boundary of a stand identified under paragraph (2) or (3) extends beyond the property ownership boundaries of Oregon and California Railroad Grant lands or O&C Region Public Domain lands, as such property boundaries exist on the date of enactment of this Act, then that stand boundary is deemed adjusted by this subparagraph to coincide with the property ownership boundary.

(B) **EFFECT OF DATA ERRORS OR INCONSISTENCIES.**—Data errors or inconsistencies may result in parcels of land along property ownership boundaries that are unintentionally omitted from the O&C Trust lands that are identified under paragraph (2) or (3). In order to correct such errors, any parcel of land that satisfies all of the following criteria is hereby deemed to be O&C Trust land:

(i) The parcel is within the ownership boundaries of Oregon and California Railroad Grant lands or O&C Region Public Domain lands on the date of the enactment of this Act.

(ii) The parcel satisfies the description in paragraph (1) on the date of enactment of this Act.

(iii) The parcel is not excluded from the O&C Trust lands pursuant to subsection (c)(2).

(C) **NO IMPACT ON LAND EXCHANGE AUTHORITY.**—Nothing in this subsection is intended to limit the authority of the Trust and the Forest Service to engage in land exchanges between themselves or with owners of non-Federal land as provided elsewhere in this title.

**SEC. 312. LEGAL EFFECT OF O&C TRUST AND JUDICIAL REVIEW.**

(a) **LEGAL STATUS OF TRUST LANDS.**—Subject to the other provisions of this section, all right, title, and interest in and to the O&C Trust lands remain in the United States, except that—

(1) the Board of Trustees shall have all authority to manage the surface estate of the O&C Trust lands and the resources found thereon;

(2) actions on the O&C Trust lands shall be deemed to involve no Federal agency action or Federal discretionary involvement or control and the laws of the State shall apply to the surface estate of the O&C Trust lands in the manner applicable to privately owned timberlands in the State; and

(3) the O&C Trust shall be treated as the beneficial owner of the surface estate of the O&C Trust lands for purposes of all legal proceedings involving the O&C Trust lands.

(b) **MINERALS.**—

(1) **IN GENERAL.**—Mineral and other subsurface rights in the O&C Trust lands are retained by the United States or other owner of such rights as of the date on which management authority over the surface estate of the lands are transferred to the O&C Trust.

(2) **ROCK AND GRAVEL.**—

(A) **USE AUTHORIZED; PURPOSE.**—For maintenance or construction on the road system under the control of the O&C Trust or for non-Federal lands intermingled with O&C Trust lands, the Board of Trustees may—

(i) utilize rock or gravel found within quarries in existence immediately before the date of the enactment of this Act on any Oregon and California Railroad Grant lands and O&C Region Public Domain lands,

excluding those lands designated under subtitle C or transferred under subtitle D; and

(ii) construct new quarries on O&C Trust lands, except that any quarry so constructed may not exceed 5 acres.

(B) EXCEPTION.—The Board of Trustees shall not construct new quarries on any of the lands transferred to the Forest Service under section 321 or lands designated under subtitle D.

(c) ROADS.—

(1) IN GENERAL.—Except as provided in subsection (b), the Board of Trustees shall assume authority and responsibility over, and have authority to use, all roads and the road system specified in the following subparagraphs:

(A) All roads and road systems on the Oregon and California Railroad and Grant lands and O&C Region Public Domain lands owned or administered by the Bureau of Land Management immediately before the date of the enactment of this Act, except that the Secretary of Agriculture shall assume the Secretary of Interior's obligations for pro-rata maintenance expense and road use fees under reciprocal right-of-way agreements for those lands transferred to the Forest Service under section 321. All of the lands transferred to the Forest Service under section 321 shall be considered as part of the tributary area used to calculate pro-rata maintenance expense and road use fees.

(B) All roads and road systems owned or administered by the Forest Service immediately before the date of the enactment of this Act and subsequently included within the boundaries of the O&C Trust lands.

(C) All roads later added to the road system for management of the O&C Trust lands.

(2) LANDS TRANSFERRED TO FOREST SERVICE.—The Secretary of Agriculture shall assume the obligations of the Secretary of Interior for pro-rata maintenance expense and road use fees under reciprocal rights-of-way agreements for those Oregon and California Railroad Grant lands or O&C Region Public Domain lands transferred to the Forest Service under section 321.

(3) COMPLIANCE WITH CLEAN WATER ACT.—All roads used, constructed, or reconstructed under the jurisdiction of the O&C Trust must comply with requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) applicable to private lands through the use of Best Management Practices under the Oregon Forest Practices Act.

(d) PUBLIC ACCESS.—

(1) IN GENERAL.—Subject to paragraph (2), public access to O&C Trust lands shall be preserved consistent with the policies of the Secretary concerned applicable to the O&C Trust lands as of the date on which management authority over the surface estate of the lands is transferred to the O&C Trust.

(2) RESTRICTIONS.—The Board of Trustees may limit or control public access for reasons of public safety or to protect the resources on the O&C Trust lands.

(e) LIMITATIONS.—The assets of the O&C Trust shall not be subject to the creditors of an O&C Trust county, or otherwise be distributed in an unprotected manner or be subject to anticipation, encumbrance, or expenditure other than for a purpose for which the O&C Trust was created.

(f) REMEDY.—An O&C Trust county shall have all of the rights and remedies that would normally accrue to a beneficiary of a trust. An O&C Trust county shall provide the Board of Trustees, the Secretary concerned, and the Attorney General with not less than 60 days notice of an intent to sue to enforce the O&C Trust county's rights under the O&C Trust.

(g) JUDICIAL REVIEW.—

(1) IN GENERAL.—Except as provided in paragraph (2), judicial review of any provision of this title shall be sought in the United States Court of Appeals for the District of Columbia Circuit. Parties seeking judicial review of the validity of any provision of this title must file suit within 60 days after the date of the enactment of this Act and no preliminary injunctive relief or stays pending appeal will be permitted. If multiple cases are filed under this paragraph, the Court shall consolidate the cases. The Court must rule on any action brought under this paragraph within 180 days.

(2) DECISIONS OF BOARD OF TRUSTEES.—Decisions made by the Board of Trustees shall be subject to judicial review only in an action brought by an O&C County, except that nothing in this title precludes bringing a legal claim against the Board of Trustees that could be brought against a private landowner for the same action.

**SEC. 313. BOARD OF TRUSTEES.**

- (a) **APPOINTMENT AUTHORIZATION.**—Subject to the conditions on appointment imposed by this section, the Governor is authorized to appoint the Board of Trustees to administer the O&C Trust and O&C Trust lands. Appointments by the Governor shall be made within 60 days after the date of the enactment of this Act.
- (b) **MEMBERS AND ELIGIBILITY.**—
- (1) **NUMBER.**—Subject to subsection (c), the Board of Trustees shall consist of seven members.
  - (2) **RESIDENCY REQUIREMENT.**—Members of the Board of Trustees must reside within an O&C Trust county.
  - (3) **GEOGRAPHICAL REPRESENTATION.**—To the extent practicable, the Governor shall ensure broad geographic representation among the O&C Trust counties in appointing members to the Board of Trustees.
- (c) **COMPOSITION.**—The Board of Trustees shall include the following members:
- (1)(A) Two forestry and wood products representatives, consisting of—
    - (i) one member who represents the commercial timber, wood products, or milling industries and who represents an Oregon-based company with more than 500 employees, taking into account its affiliates, that has submitted a bid for a timber sale on the Oregon and California Railroad Grant lands, O&C Region Public Domain lands, Coos Bay Wagon Road Grant lands, or O&C Trust lands in the preceding five years; and
    - (ii) one member who represents the commercial wood products or milling industries and who represents an Oregon-based company with 500 or fewer employees, taking into account its affiliates, that has submitted a bid for a timber sale on the Oregon and California Railroad Grant lands, O&C Region Public Domain lands, Coos Bay Wagon Road Grant lands, or O&C Trust lands in the preceding five years.
  - (B) At least one of the two representatives selected in this paragraph must own commercial forest land that is adjacent to the O&C Trust lands and from which the representative has not exported unprocessed timber in the preceding five years.
  - (2) One representative of the general public who has professional experience in one or more of the following fields:
    - (A) Business management.
    - (B) Law.
    - (C) Accounting.
    - (D) Banking.
    - (E) Labor management.
    - (F) Transportation.
    - (G) Engineering.
    - (H) Public policy.
  - (3) One representative of the science community who, at a minimum, holds a Doctor of Philosophy degree in wildlife biology, forestry, ecology, or related field and has published peer-reviewed academic articles in the representative's field of expertise.
  - (4) Three governmental representatives, consisting of—
    - (A) two members who are serving county commissioners of an O&C Trust county and who are nominated by the governing bodies of a majority of the O&C Trust counties and approved by the Governor, except that the two representatives may not be from the same county; and
    - (B) one member who holds State-wide elected office (or is a designee of such a person) or who represents a federally recognized Indian tribe or tribes within one or more O&C Trust counties.
- (d) **TERM, INITIAL APPOINTMENT, VACANCIES.**—
- (1) **TERM.**—Except in the case of initial appointments, members of the Board of Trustees shall serve for five-year terms and may be reappointed for one consecutive term.
  - (2) **INITIAL APPOINTMENTS.**—In making the first appointments to the Board of Trustees, the Governor shall stagger initial appointment lengths so that two members have three-year terms, two members have four-year terms, and three members have a full five-year term.
  - (3) **VACANCIES.**—Any vacancy on the Board of Trustees shall be filled within 45 days by the Governor for the unexpired term of the departing member.
  - (4) **BOARD OF TRUSTEES MANAGEMENT COSTS.**—Members of the Board of Trustees may receive annual compensation from the O&C Trust at a rate not to ex-

ceed 50 percent of the average annual salary for commissioners of the O&C Trust counties for that year.

(e) CHAIRPERSON AND OPERATIONS.—

(1) CHAIRPERSON.—A majority of the Board of Trustees shall select the chairperson for the Board of Trustees each year.

(2) MEETINGS.—The Board of Trustees shall establish proceedings to carry out its duties. The Board shall meet at least quarterly. Except for meetings substantially involving personnel and contractual decisions, all meetings of the Board shall comply with the public meetings law of the State.

(f) QUORUM AND DECISION-MAKING.—

(1) QUORUM.—A quorum shall consist of five members of the Board of Trustees. The presence of a quorum is required to constitute an official meeting of the board of trustees to satisfy the meeting requirement under subsection (e)(2).

(2) DECISIONS.—All actions and decisions by the Board of Trustees shall require approval by a majority of members.

(g) ANNUAL AUDIT.—Financial statements regarding operation of the O&C Trust shall be independently prepared and audited annually for review by the O&C Trust counties, Congress, and the State.

SEC. 314. MANAGEMENT OF O&C TRUST LANDS.

(a) IN GENERAL.—Except as otherwise provided in this title, the O&C Trust lands will be managed by the Board of Trustees in compliance with all Federal and State laws in the same manner as such laws apply to private forest lands.

(b) TIMBER SALE PLANS.—The Board of Trustees shall approve and periodically update management and sale plans for the O&C Trust lands consistent with the purpose specified in section 311(b). The Board of Trustees may defer sale plans during periods of depressed timber markets if the Board of Trustees, in its discretion, determines that such delay until markets improve is financially prudent and in keeping with its fiduciary obligation to the O&C Trust counties.

(c) STAND ROTATION.—

(1) 100-120 YEAR ROTATION.—The Board of Trustees shall manage not less than 50 percent of the harvestable acres of the O&C Trust lands on a 100-120 year rotation. The acreage subject to 100-120 year management shall be geographically dispersed across the O&C Trust lands in a manner that the Board of Trustees, in its discretion, determines will contribute to aquatic and terrestrial ecosystem values.

(2) BALANCE.—The balance of the harvestable acreage of the O&C Trust lands shall be managed on any rotation age the Board of Trustees, in its discretion and in compliance with applicable State law, determines will best satisfy its fiduciary obligation to provide revenue to the O&C Trust counties.

(3) THINNING.—Nothing in this subsection is intended to limit the ability of the Board of Trustees to decide, in its discretion, to thin stands of timber on O&C Trust lands.

(d) SALE TERMS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Board of Trustees is authorized to establish the terms for sale contracts of timber or other forest products from O&C Trust lands.

(2) SET ASIDE.—The Board of Trustees shall establish a program consistent with the program of the Bureau of Land Management under a March 10, 1959 Memorandum of Understanding, as amended, regarding calculation of shares and sale of timber set aside for purchase by business entities with 500 or fewer employees and consistent with the regulations in part 121 of title 13, Code of Federal Regulations applicable to timber sale set asides, except that existing shares in effect on the date of enactment of this Act shall apply until the next scheduled recomputation of shares. In implementing its program that is consistent with such Memorandum of Understanding, the Board of Trustees shall utilize the Timber Sale Procedure Handbook and other applicable procedures of the Bureau of Land Management, including the Operating Procedures for Conducting the Five-Year Recomputation of Small Business Share Percentages in effect on January 1, 2013.

(3) COMPETITIVE BIDDING.—The Board of Trustees must sell timber on a competitive bid basis. No less than 50 percent of the total volume of timber sold by the Board of Trustees each year shall be sold by oral bidding consistent with practices of the Bureau of Land Management as of January 1, 2013.

(e) PROHIBITION ON EXPORT.—

(1) **IN GENERAL.**—As a condition on the sale of timber or other forest products from O&C Trust lands, unprocessed timber harvested from O&C Trust lands may not be exported.

(2) **VIOLATIONS.**—Any person who knowingly exports unprocessed timber harvested from O&C Trust lands, who knowingly provides such unprocessed timber for export by another person, or knowingly sells timber harvested from O&C Trust lands to a person who is disqualified from purchasing timber from such lands pursuant to this section shall be disqualified from purchasing timber or other forest products from O&C Trust lands or from Federal lands administered under this subtitle. Any person who uses unprocessed timber harvested from O&C Trust lands in substitution for exported unprocessed timber originating from private lands shall be disqualified from purchasing timber or other forest products from O&C Trust lands or from Federal lands administered under this subtitle.

(3) **UNPROCESSED TIMBER DEFINED.**—In this subsection, the term “unprocessed timber” has the meaning given such term in section 493(9) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620e(9)).

(f) **INTEGRATED PEST, DISEASE, AND WEED MANAGEMENT PLAN.**—The Board of Trustees shall develop an integrated pest and vegetation management plan to assist forest managers in prioritizing and minimizing the use of pesticides and herbicides approved by the Environmental Protection Agency and used in compliance with the Oregon Forest Practices Act. The plan shall optimize the ability of the O&C Trust to re-establish forest stands after harvest in compliance with the Oregon Forest Practices Act and to create diverse early seral stage forests. The plan shall allow for the eradication, containment and suppression of disease, pests, weeds and noxious plants, and invasive species as found on the State Noxious Weed List and prioritize ground application of herbicides and pesticides to the greatest extent practicable. The plan shall be completed before the start of the second year of the transition period. The planning process shall be open to the public and the Board of Trustees shall hold not less than two public hearings on the proposed plan before final adoption.

(g) **ACCESS TO LANDS TRANSFERRED TO FOREST SERVICE.**—Persons acting on behalf of the O&C Trust shall have a right of timely access over lands transferred to the Forest Service under section 321 and Tribal lands transferred under subtitle D as is reasonably necessary for the Board of Trustees to carry out its management activities with regard to the O&C Trust lands and the O&C Trust to satisfy its fiduciary duties to O&C counties.

(h) **HARVEST AREA TREE AND RETENTION REQUIREMENTS.**—

(1) **IN GENERAL.**—The O&C Trust lands shall include harvest area tree and retention requirements consistent with State law.

(2) **USE OF OLD GROWTH DEFINITION.**—To the greatest extent practicable, and at the discretion of the Board of Trustees, old growth, as defined by the Old Growth Review Panel created by section 324, shall be used to meet the retention requirements applicable under paragraph (1).

(i) **RIPARIAN AREA MANAGEMENT.**—

(1) **IN GENERAL.**—The O&C Trust lands shall be managed with timber harvesting limited in riparian areas as follows:

(A) **STREAMS.**—For all fish bearing streams and all perennial non-fish-bearing streams, there shall be no removal of timber within a distance equal to the height of one site potential tree on both sides of the stream channel. For intermittent, non-fish-bearing streams, there shall be no removal of timber within a distance equal to one-half the height of a site potential tree on both sides of the stream channel. For purposes of this subparagraph, the stream channel boundaries are the lines of ordinary high water.

(B) **LARGER LAKES, PONDS AND RESERVOIRS.**—For all lakes, ponds, and reservoirs with surface area larger than one quarter of one acre, there shall be no removal of timber within a distance equal to the height of one site potential tree from the line of ordinary high water of the water body.

(C) **SMALL PONDS AND NATURAL WETLANDS, SPRINGS AND SEEPS.**—For all ponds with surface area one quarter acre or less, and for all natural wetlands, springs and seeps, there shall be no removal of timber within the area dominated by riparian vegetation.

(2) **MEASUREMENTS.**—For purposes of paragraph (1), all distances shall be measured along slopes, and all site potential tree heights shall be average

height at maturity of the dominant species of conifer determined at a scale no finer than the applicable fifth field watershed.

(3) RULES OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

(A) to prohibit the falling or placement of timber into streams to create large woody debris for the benefit of aquatic ecosystems; or

(B) to prohibit the falling of trees within riparian areas as may be reasonably necessary for safety or operational reasons in areas adjacent to the riparian areas, or for road construction or maintenance pursuant to section 312(c)(3).

(j) FIRE PROTECTION AND EMERGENCY RESPONSE.—

(1) RECIPROCAL FIRE PROTECTION AGREEMENTS.—

(A) CONTINUATION OF AGREEMENTS.—Subject to subparagraphs (B), (C), and (D), any reciprocal fire protection agreement between the State or any other entity and the Secretary concerned with regard to Oregon and California Railroad Grant lands and O&C Region Public Domain lands in effect on the date of the enactment of this Act shall remain in place for a period of ten years after such date unless earlier terminated by the State or other entity.

(B) ASSUMPTION OF BLM RIGHTS AND DUTIES.—The Board of Trustees shall exercise the rights and duties of the Bureau of Land Management under the agreements described in subparagraph (A), except as such rights and duties might apply to Tribal lands under subtitle D.

(C) EFFECT OF EXPIRATION OF PERIOD.—Following the expiration of the ten-year period under subparagraph (A), the Board of Trustees shall continue to provide for fire protection of the Oregon and California Railroad Grant lands and O&C Region Public Domain lands, including those transferred to the Forest Service under section 331, through continuation of the reciprocal fire protection agreements, new cooperative agreements, or by any means otherwise permitted by law. The means selected shall be based on the review by the Board of Trustees of whether the reciprocal fire protection agreements were effective in protecting the lands from fire.

(D) EMERGENCY RESPONSE.—Nothing in this paragraph shall prevent the Secretary of Agriculture from an emergency response to a fire on the O&C Trust lands or lands transferred to the Forest Service under section 321.

(2) EMERGENCY RESPONSE TO FIRE.—Subject to paragraph (1), if the Secretary of Agriculture determines that fire on any of the lands transferred under section 321 is burning uncontrolled or the Secretary, the Board of Trustees, or contracted party does not have readily and immediately available personnel and equipment to control or extinguish the fire, the Secretary, or any forest protective association or agency under contract or agreement with the Secretary or the Board of Trustees for the protection of forestland against fire, shall summarily and aggressively abate the nuisance thus controlling and extinguishing the fire.

(k) NORTHERN SPOTTED OWL.—So long as the O&C Trust maintains the 100-120 year rotation on 50 percent of the harvestable acres required in subsection (c), the section 321 lands representing the best quality habitat for the owl are transferred to the Forest Service, and the O&C Trust protects currently occupied northern spotted owl nest sites consistent with the forest practices in the Oregon Forest Practices Act, management of the O&C Trust land by the Board of Trustees shall be considered to comply with section 9 of Public Law 93-205 (16 U.S.C. 1538) for the northern spotted owl. A currently occupied northern spotted owl nest site shall be considered abandoned if there are no northern spotted owl responses following three consecutive years of surveys using the Protocol for Surveying Management Activities that May Impact Northern Spotted Owls dated February 2, 2013.

#### SEC. 315. DISTRIBUTION OF REVENUES FROM O&C TRUST LANDS.

(a) ANNUAL DISTRIBUTION OF REVENUES.—

(1) TIME FOR DISTRIBUTION; USE.—Payments to each O&C Trust county shall be made available to the general fund of the O&C Trust county as soon as practicable following the end of each fiscal year, to be used as are other unrestricted county funds.

(2) AMOUNT.—The amount paid to an O&C Trust county in relation to the total distributed to all O&C Trust counties for a fiscal year shall be based on the proportion that the total assessed value of the Oregon and California Railroad Grant lands in each of the O&C Trust counties for fiscal year 1915 bears to the total assessed value of all of the Oregon and California Railroad Grant

lands in the State for that same fiscal year. However, for the purposes of this subsection the portion of the revested Oregon and California Railroad Grant lands in each of the O&C Trust counties that was not assessed for fiscal year 1915 shall be deemed to have been assessed at the average assessed value of the Oregon and California Railroad Grant lands in the county.

(3) **LIMITATION.**—After the fifth payment made under this subsection, the payment to an O&C Trust county for a fiscal year shall not exceed 110 percent of the previous year's payment to the O&C Trust county, adjusted for inflation based on the consumer price index applicable to the geographic area in which the O&C Trust counties are located.

(b) **RESERVE FUND.**—

(1) **ESTABLISHMENT OF RESERVE FUND.**—The Board of Trustees shall generate and maintain a reserve fund.

(2) **DEPOSITS TO RESERVE FUND.**—Within 10 years after creation of the O&C Trust or as soon thereafter as is practicable, the Board of Trustees shall establish and seek to maintain an annual balance of \$125,000,000 in the Reserve Fund, to be derived from revenues generated from management activities involving O&C Trust lands. All annual revenues generated in excess of operating costs and payments to O&C Trust counties required by subsection (a) and payments into the Conservation Fund as provided in subsection (c) shall be deposited in the Reserve Fund.

(3) **EXPENDITURES FROM RESERVE FUND.**—The Board of Trustees shall use amounts in the Reserve Fund only—

(A) to pay management and administrative expenses or capital improvement costs on O&C Trust lands; and

(B) to make payments to O&C Trust counties when payments to the counties under subsection (a) are projected to be 90 percent or less of the previous year's payments.

(c) **O&C TRUST CONSERVATION FUND.**—

(1) **ESTABLISHMENT OF CONSERVATION FUND.**—The Board of Trustees shall use a portion of revenues generated from activity on the O&C Trust lands, consistent with paragraph (2), to establish and maintain a O&C Trust Conservation Fund. The O&C Trust Conservation Fund shall include no Federal appropriations.

(2) **REVENUES.**—Following the transition period, five percent of the O&C Trust's annual net operating revenue, after deduction of all management costs and expenses, including the payment required under section 317, shall be deposited to the O&C Trust Conservation Fund.

(3) **EXPENDITURES FROM CONSERVATION FUND.**—The Board of Trustees shall use amounts from the O&C Trust Conservation Fund only—

(A) to fund the voluntary acquisition of conservation easements from willing private landowners in the State;

(B) to fund watershed restoration, remediation and enhancement projects within the State; or

(C) to contribute to balancing values in a land exchange with willing private landowners proposed under section 323(b), if the land exchange will result in a net increase in ecosystem benefits for fish, wildlife, or rare native plants.

**SEC. 316. LAND EXCHANGE AUTHORITY.**

(a) **AUTHORITY.**—Subject to approval by the Secretary concerned, the Board of Trustees may negotiate proposals for land exchanges with owners of lands adjacent to O&C Trust lands in order to create larger contiguous blocks of land under management by the O&C Trust to facilitate resource management, to improve conservation value of such lands, or to improve the efficiency of management of such lands.

(b) **APPROVAL REQUIRED; CRITERIA.**—The Secretary concerned may approve a land exchange proposed by the Board of Trustees administratively if the exchange meets the following criteria:

(1) The non-Federal lands are completely within the State.

(2) The non-Federal lands have high timber production value, or are necessary for more efficient or effective management of adjacent or nearby O&C Trust lands.

(3) The non-Federal lands have equal or greater value to the O&C Trust lands proposed for exchange.

(4) The proposed exchange is reasonably likely to increase the net income to the O&C Trust counties over the next 20 years and not decrease the net income to the O&C Trust counties over the next 10 years.

(c) **ACREAGE LIMITATION.**—The Secretary concerned shall not approve land exchanges under this section that, taken together with all previous exchanges involving the O&C Trust lands, have the effect of reducing the total acreage of the O&C Trust lands by more than five percent from the total acreage to be designated as O&C Trust land under section 311(c)(1).

(d) **INAPPLICABILITY OF CERTAIN LAWS.**—Section 3 of the Oregon Public Lands Transfer and Protection Act of 1998 (Public Law 105–321; 112 Stat. 3022), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et. seq.), including the amendments made by the Federal Land Exchange Facilitation Act of 1988 (Public Law 100–409; 102 Stat. 1086), the Act of March 20, 1922 (16 U.S.C. 485, 486), and the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480 et seq.) shall not apply to the land exchange authority provided by this section.

(e) **EXCHANGES WITH FOREST SERVICE.**—

(1) **EXCHANGES AUTHORIZED.**—The Board of Trustees is authorized to engage in land exchanges with the Forest Service if approved by the Secretary pursuant to section 323(c).

(2) **MANAGEMENT OF EXCHANGED LANDS.**—Following completion of a land exchange under paragraph (1), the management requirements applicable to the newly acquired lands by the O&C Trust or the Forest Service shall be the same requirements under this subtitle applicable to the other lands that are managed by the O&C Board or the Forest Service.

**SEC. 317. PAYMENTS TO THE UNITED STATES TREASURY.**

As soon as practicable after the end of the third fiscal year of the transition period and in each of the subsequent seven fiscal years, the O&C Trust shall submit a payment of \$10,000,000 to the United States Treasury.

**CHAPTER 2—TRANSFER OF CERTAIN LANDS TO FOREST SERVICE**

**SEC. 321. TRANSFER OF CERTAIN OREGON AND CALIFORNIA RAILROAD GRANT LANDS TO FOREST SERVICE.**

(a) **TRANSFER REQUIRED.**—The Secretary of the Interior shall transfer administrative jurisdiction over all Oregon and California Railroad Grant lands and O&C Region Public Domain lands not designated as O&C Trust lands by subparagraphs (A) through (F) of section 311(c)(1), including those lands excluded by section 311(c)(2), to the Secretary of Agriculture for inclusion in the National Forest System and administration by the Forest Service as provided in section 322.

(b) **EXCEPTION.**—This section does not apply to Tribal lands transferred under subtitle D.

**SEC. 322. MANAGEMENT OF TRANSFERRED LANDS BY FOREST SERVICE.**

(a) **ASSIGNMENT TO EXISTING NATIONAL FORESTS.**—To the greatest extent practicable, management responsibilities for the lands transferred under section 321 shall be assigned to the unit of the National Forest System geographically closest to the transferred lands. The Secretary of Agriculture shall have ultimate decision-making authority, but shall assign the transferred lands to a unit not later than the applicable transfer date provided in the transition period.

(b) **APPLICATION OF NORTHWEST FOREST PLAN.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the lands transferred under section 321 shall be managed under the Northwest Forest Plan and shall retain Northwest Forest Plan land use designations until or unless changed in the manner provided by Federal laws applicable to the administration and management of the National Forest System.

(2) **EXCEPTION FOR CERTAIN DESIGNATED LANDS.**—The lands excluded from the O&C Trust by subparagraphs (A) through (F) of section 311(c)(2) and transferred to the Forest Service under section 321 shall be managed as provided by Federal laws applicable to the lands.

(c) **PROTECTION OF OLD GROWTH.**—Old growth, as defined by the Old Growth Review Panel pursuant to rulemaking conducted in accordance with section 553 of title 5, United States Code, shall not be harvested by the Forest Service on lands transferred under section 321.

(d) **EMERGENCY RESPONSE TO FIRE.**—Subject to section 314(i), if the Secretary of Agriculture determines that fire on any of the lands transferred under section 321 is burning uncontrolled or the Secretary or contracted party does not have readily

and immediately available personnel and equipment to control or extinguish the fire, the Secretary, or any forest protective association or agency under contract or agreement with the Secretary for the protection of forestland against fire, and within whose protection area the fire exists, shall summarily and aggressively abate the nuisance thus controlling and extinguishing the fire.

**SEC. 323. MANAGEMENT EFFICIENCIES AND EXPEDITED LAND EXCHANGES.**

(a) **LAND EXCHANGE AUTHORITY.**—The Secretary of Agriculture may conduct land exchanges involving lands transferred under section 321, other than the lands excluded from the O&C Trust by subparagraphs (A) through (F) of section 311(c)(2), in order create larger contiguous blocks of land under management of the Secretary to facilitate resource management, to improve conservation value of such lands, or to improve the efficiency of management of such lands.

(b) **CRITERIA FOR EXCHANGES WITH NON-FEDERAL OWNERS.**—The Secretary of Agriculture may conduct a land exchange administratively under this section with a non-Federal owner (other than the O&C Trust) if the land exchange meets the following criteria:

- (1) The non-Federal lands are completely within the State.
- (2) The non-Federal lands have high wildlife conservation or recreation value or the exchange is necessary to increase management efficiencies of lands administered by the Forest Service for the purposes of the National Forest System.
- (3) The non-Federal lands have equal or greater value to the Federal lands purposed for exchange or a balance of values can be achieved—
  - (A) with a grant of funds provided by the O&C Trust pursuant to section 315(c); or
  - (B) from other sources.

(c) **CRITERIA FOR EXCHANGES WITH O&C TRUST.**—The Secretary of Agriculture may conduct land exchanges with the Board of Trustees administratively under this subsection, and such an exchange shall be deemed to not involve any Federal action or Federal discretionary involvement or control if the land exchange with the O&C Trust meets the following criteria:

- (1) The O&C Trust lands to be exchanged have high wildlife value or ecological value or the exchange would facilitate resource management or otherwise contribute to the management efficiency of the lands administered by the Forest Service.
- (2) The exchange is requested or approved by the Board of Trustees for the O&C Trust and will not impair the ability of the Board of Trustees to meet its fiduciary responsibilities.
- (3) The lands to be exchanged by the Forest Service do not contain stands of timber meeting the definition of old growth established by the Old Growth Review Panel pursuant to section 324.
- (4) The lands to be exchanged are equal in acreage.

(d) **ACREAGE LIMITATION.**—The Secretary of Agriculture shall not approve land exchanges under this section that, taken together with all previous exchanges involving the lands described in subsection (a), have the effect of reducing the total acreage of such lands by more than five percent from the total acreage originally transferred to the Secretary.

(e) **INAPPLICABILITY OF CERTAIN LAWS.**—Section 3 of the Oregon Public Lands Transfer and Protection Act of 1998 (Public Law 105–321; 112 Stat. 3022), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et. seq.), including the amendments made by the Federal Land Exchange Facilitation Act of 1988 (Public Law 100–409; 102 Stat. 1086), the Act of March 20, 1922 (16 U.S.C. 485, 486), and the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480 et seq.) shall not apply to the land exchange authority provided by this section.

**SEC. 324. REVIEW PANEL AND OLD GROWTH PROTECTION.**

(a) **APPOINTMENT; MEMBERS.**—Within 60 days after the date of the enactment of this Act the Secretary of Agriculture shall appoint an Old Growth Review Panel consisting of five members. At a minimum, the members must hold a Doctor of Philosophy degree in wildlife biology, forestry, ecology, or related field and published peer-reviewed academic articles in their field of expertise.

(b) **PURPOSE OF REVIEW.**—Members of the Old Growth Review Panel shall review existing, published, peer-reviewed articles in relevant academic journals and establish a definition or definitions of old growth as it applies to the ecologically, geographically and climatologically unique Oregon and California Railroad Grant lands and O&C Region Public Domain lands managed by the O&C Trust or the Forest

Service only. The definition or definitions shall bear no legal force, shall not be used as a precedent for, and shall not apply to any lands other than the Oregon and California Railroad Grant lands and O&C Region Public Domain lands managed by the O&C Trust or the Forest Service in western Oregon. The definition or definitions shall not apply to Tribal lands.

(c) **SUBMISSION OF RESULTS.**—The definition or definitions for old growth in western Oregon established under subsection (b), if approved by at least four members of the Old Growth Review Panel, shall be submitted to the Secretary of Agriculture within six months after the date of the enactment of this Act.

**SEC. 325. UNIQUENESS OF OLD GROWTH PROTECTION ON OREGON AND CALIFORNIA RAILROAD GRANT LANDS.**

All sections of this subtitle referring to the term “old growth” are uniquely suited to resolve management issues for the lands covered by this subtitle only, and shall not be construed as precedent for any other situation involving management of other Federal, State, Tribal, or private lands.

**CHAPTER 3—TRANSITION**

**SEC. 331. TRANSITION PERIOD AND OPERATIONS.**

(a) **TRANSITION PERIOD.**—

(1) **COMMENCEMENT; DURATION.**—Effective on October 1 of the first fiscal year beginning after the appointment of the Board of Trustees under section 313, a transition period of three fiscal years shall commence.

(2) **EXCEPTIONS.**—Unless specifically stated in the following subsections, any action under this section shall be deemed not to involve Federal agency action or Federal discretionary involvement or control.

(b) **YEAR ONE.**—

(1) **APPLICABILITY.**—During the first fiscal year of the transition period, the activities described in this subsection shall occur.

(2) **BOARD OF TRUSTEES ACTIVITIES.**—The Board of Trustees shall employ sufficient staff or contractors to prepare for beginning management of O&C Trust lands and O&C Region Public Domain lands in the second fiscal year of the transition period, including preparation of management plans and a harvest schedule for the lands over which management authority is transferred to the O&C Trust in the second fiscal year.

(3) **FOREST SERVICE ACTIVITIES.**—The Forest Service shall begin preparing to assume management authority of all Oregon and California Railroad Grant lands and O&C Region Public Domain lands transferred under section 321 in the second fiscal year.

(4) **SECRETARY CONCERNED ACTIVITIES.**—The Secretary concerned shall continue to exercise management authority over all Oregon and California Railroad Grant lands and O&C Region Public Domain lands under all existing Federal laws.

(5) **INFORMATION SHARING.**—Upon written request from the Board of Trustees, the Secretary of the Interior shall provide copies of any documents or data, however stored or maintained, that includes the requested information concerning O&C Trust lands. The copies shall be provided as soon as practicable and to the greatest extent possible, but in no event later than 30 days following the date of the request.

(6) **EXCEPTION.**—This subsection does not apply to Tribal lands transferred under subtitle D.

(c) **YEAR TWO.**—

(1) **APPLICABILITY.**—During the second fiscal year of the transition period, the activities described in this subsection shall occur.

(2) **TRANSFER OF O&C TRUST LANDS.**—Effective on October 1 of the second fiscal year of the transition period, management authority over the O&C Trust lands shall be transferred to the O&C Trust.

(3) **TRANSFER OF LANDS TO FOREST SERVICE.**—The transfers required by section 321 shall occur.

(4) **INFORMATION SHARING.**—The Secretary of Agriculture shall obtain and manage, as soon as practicable, all documents and data relating to the Oregon and California Railroad Grant lands, O&C Region Public Domain lands, and Coos Bay Wagon Road lands previously managed by the Bureau of Land Management. Upon written request from the Board of Trustees, the Secretary of Agriculture shall provide copies of any documents or data, however stored or maintained, that includes the requested information concerning O&C Trust lands.

The copies shall be provided as soon as practicable and to the greatest extent possible, but in no event later than 30 days following the date of the request.

(5) IMPLEMENTATION OF MANAGEMENT PLAN.—The Board of Trustees shall begin implementing its management plan for the O&C Trust lands and revise the plan as necessary. Distribution of revenues generated from all activities on the O&C Trust lands shall be subject to section 315.

(d) YEAR THREE AND SUBSEQUENT YEARS.—

(1) APPLICABILITY.—During the third fiscal year of the transition period and all subsequent fiscal years, the activities described in this subsection shall occur.

(2) BOARD OF TRUSTEES MANAGEMENT.—The Board of Trustees shall manage the O&C Trust lands pursuant to subtitle A.

**SEC. 332. O&C TRUST MANAGEMENT CAPITALIZATION.**

(a) BORROWING AUTHORITY.—The Board of Trustees is authorized to borrow from any available private sources and non-Federal, public sources in order to provide for the costs of organization, administration, and management of the O&C Trust during the three-year transition period provided in section 331.

(b) SUPPORT.—Notwithstanding any other provision of law, O&C Trust counties are authorized to loan to the O&C Trust, and the Board of Trustees is authorized to borrow from willing O&C Trust counties, amounts held on account by such counties that are required to be expended in accordance with the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500) and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500), except that, upon repayment by the O&C Trust, the obligation of such counties to expend the funds in accordance with such Acts shall continue to apply.

**SEC. 333. EXISTING BUREAU OF LAND MANAGEMENT AND FOREST SERVICE CONTRACTS.**

(a) TREATMENT OF EXISTING CONTRACTS.—Any work or timber contracts sold or awarded by the Bureau of Land Management or Forest Service on or with respect to Oregon and California Railroad Grant lands or O&C Region Public Domain lands before the transfer of the lands to the O&C Trust or the Forest Service, or Tribal lands transferred under subtitle D, shall remain binding and effective according to the terms of the contracts after the transfer of the lands. The Board of Trustees and Secretary concerned shall make such accommodations as are necessary to avoid interfering in any way with the performance of the contracts.

(b) TREATMENT OF PAYMENTS UNDER CONTRACTS.—Payments made pursuant to the contracts described in subsection (a), if any, shall be made as provided in those contracts and not made to the O&C Trust.

**SEC. 334. PROTECTION OF VALID EXISTING RIGHTS AND ACCESS TO NON-FEDERAL LAND.**

(a) VALID RIGHTS.—Nothing in this title, or any amendment made by this title, shall be construed as terminating any valid lease, permit, patent, right-of-way, agreement, or other right of authorization existing on the date of the enactment of this Act with regard to Oregon and California Railroad Grant lands or O&C Region Public Domain lands, including O&C Trust lands over which management authority is transferred to the O&C Trust pursuant to section 311(c)(1), lands transferred to the Forest Service under section 321, and Tribal lands transferred under subtitle D.

(b) ACCESS TO LANDS.—

(1) EXISTING ACCESS RIGHTS.—The Secretary concerned shall preserve all rights of access and use, including (but not limited to) reciprocal right-of-way agreements, tail hold agreements, or other right-of-way or easement obligations existing on the date of the enactment of this Act, and such rights shall remain applicable to lands covered by this subtitle in the same manner and to the same extent as such rights applied before the date of the enactment of this Act.

(2) NEW ACCESS RIGHTS.—If a current or future landowner of land intermingled with Oregon and California Railroad Grant lands or O&C Region Public Domain lands does not have an existing access agreement related to the lands covered by this subtitle, the Secretary concerned shall enter into an access agreement, including appurtenant lands, to secure the landowner the reasonable use and enjoyment of the landowner's land, including the harvest and hauling of timber.

(c) MANAGEMENT COOPERATION.—The Board of Trustees and the Secretary concerned shall provide current and future landowners of land intermingled with Oregon and California Railroad Grant lands or O&C Region Public Domain lands the permission needed to manage their lands, including to locate tail holds, tramways,

and logging wedges, to purchase guylines, and to cost-share property lines surveys to the lands covered by this subtitle, within 30 days after receiving notification of the landowner's plan of operation.

(d) JUDICIAL REVIEW.—Notwithstanding section 312(g)(2), a private landowner may obtain judicial review of a decision of the Board of Trustees to deny—

- (1) the landowner the rights provided by subsection (b) regarding access to the landowner's land; or
- (2) the landowner the reasonable use and enjoyment of the landowner's land.

**SEC. 335. REPEAL OF SUPERSEDED LAW RELATING TO OREGON AND CALIFORNIA RAILROAD GRANT LANDS.**

(a) REPEAL.—Except as provided in subsection (b), the Act of August 28, 1937 (43 U.S.C. 1181a et seq.) is repealed effective on October 1 of the first fiscal year beginning after the appointment of the Board of Trustees.

(b) EFFECT OF CERTAIN COURT RULINGS.—If, as a result of judicial review authorized by section 312, any provision of this subtitle is held to be invalid and implementation of the provision or any activity conducted under the provision is then enjoined, the Act of August 28, 1937 (43 U.S.C. 1181a et seq.), as in effect immediately before its repeal by subsection (a), shall be restored to full legal force and effect as if the repeal had not taken effect.

## Subtitle B—Coos Bay Wagon Roads

**SEC. 341. TRANSFER OF MANAGEMENT AUTHORITY OVER CERTAIN COOS BAY WAGON ROAD GRANT LANDS TO COOS COUNTY, OREGON.**

(a) TRANSFER REQUIRED.—Except in the case of the lands described in subsection (b), the Secretary of the Interior shall transfer management authority over the Coos Bay Wagon Road Grant lands reconveyed to the United States pursuant to the first section of the Act of February 26, 1919 (40 Stat. 1179), and the surface resources thereon, to the Coos County government. The transfer shall be completed not later than one year after the date of the enactment of this Act.

(b) LANDS EXCLUDED.—The transfer under subsection (a) shall not include any of the following Coos Bay Wagon Road Grant lands:

- (1) Federal lands within the National Landscape Conservation System as of January 1, 2013.
- (2) Federal lands designated as Areas of Critical Environmental Concern as of January 1, 2013.
- (3) Federal lands that were in the National Wilderness Preservation System as of January 1, 2013.
- (4) Federal lands included in the National Wild and Scenic Rivers System of January 1, 2013.
- (5) Federal lands within the boundaries of a national monument, park, or other developed recreation area as of January 1, 2013.
- (6) All stands of timber generally older than 125 years old, as of January 1, 2011, which shall be conclusively determined by reference to the polygon spatial data layer in the electronic data compilation filed by the Bureau of Land Management based on the predominant birth-date attribute, and the boundaries of such stands shall be conclusively determined for all purposes by the global positioning system coordinates for such stands.
- (7) Tribal lands addressed in subtitle D.

(c) MANAGEMENT.—

(1) IN GENERAL.—Coos County shall manage the Coos Bay Wagon Road Grant lands over which management authority is transferred under subsection (a) consistent with section 314, and for purposes of applying such section, “Board of Trustees” shall be deemed to mean “Coos County” and “O&C Trust lands” shall be deemed to mean the transferred lands.

(2) RESPONSIBILITY FOR MANAGEMENT COSTS.—Coos County shall be responsible for all management and administrative costs of the Coos Bay Wagon Road Grant lands over which management authority is transferred under subsection (a).

(3) MANAGEMENT CONTRACTS.—Coos County may contract, if competitively bid, with one or more public, private, or tribal entities, including (but not limited to) the Coquille Indian Tribe, if such entities are substantially based in Coos or Douglas Counties, Oregon, to manage and administer the lands.

(d) TREATMENT OF REVENUES.—

(1) **IN GENERAL.**—All revenues generated from the Coos Bay Wagon Road Grant lands over which management authority is transferred under subsection (a) shall be deposited in the general fund of the Coos County treasury to be used as are other unrestricted county funds.

(2) **TREASURY.**—As soon as practicable after the end of the third fiscal year of the transition period and in each of the subsequent seven fiscal years, Coos County shall submit a payment of \$400,000 to the United States Treasury.

(3) **DOUGLAS COUNTY.**—Beginning with the first fiscal year for which management of the Coos Bay Wagon Road Grant lands over which management authority is transferred under subsection (a) generates net positive revenues, and for all subsequent fiscal years, Coos County shall transmit a payment to the general fund of the Douglas County treasury from the net revenues generated from the lands. The payment shall be made as soon as practicable following the end of each fiscal year and the amount of the payment shall bear the same proportion to total net revenues for the fiscal year as the proportion of the Coos Bay Wagon Road Grant lands in Douglas County in relation to all Coos Bay Wagon Road Grant lands in Coos and Douglas Counties as of January 1, 2013.

**SEC. 342. TRANSFER OF CERTAIN COOS BAY WAGON ROAD GRANT LANDS TO FOREST SERVICE.**

The Secretary of the Interior shall transfer administrative jurisdiction over the Coos Bay Wagon Road Grant lands excluded by paragraphs (1) through (6) of section 341(b) to the Secretary of Agriculture for inclusion in the National Forest System and administration by the Forest Service as provided in section 322.

**SEC. 343. LAND EXCHANGE AUTHORITY.**

Coos County may recommend land exchanges to the Secretary of Agriculture and carry out such land exchanges in the manner provided in section 316.

## Subtitle C—Oregon Treasures

### CHAPTER 1—WILDERNESS AREAS

**SEC. 351. DESIGNATION OF DEVIL'S STAIRCASE WILDERNESS.**

(a) **DESIGNATION.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Federal land in the State of Oregon administered by the Forest Service and the Bureau of Land Management, comprising approximately 30,520 acres, as generally depicted on the map titled "Devil's Staircase Wilderness Proposal", dated October 26, 2009, are designated as a wilderness area for inclusion in the National Wilderness Preservation System and to be known as the "Devil's Staircase Wilderness".

(b) **MAP AND LEGAL DESCRIPTION.**—As soon as practicable after the date of the enactment of this Act, the Secretary shall file with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of wilderness area designated by subsection (a). The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and description. In the case of any discrepancy between the acreage specified in subsection (a) and the map, the map shall control. The map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(c) **ADMINISTRATION.**—

(1) **IN GENERAL.**—Subject to valid existing rights, the Devil's Staircase Wilderness Area shall be administered by the Secretaries of Agriculture and the Interior, in accordance with the Wilderness Act and the Oregon Wilderness Act of 1984, except that, with respect to the wilderness area, any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

(2) **FOREST SERVICE ROADS.**—As provided in section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary of Agriculture shall—

(A) decommission any National Forest System road within the wilderness boundaries; and

(B) convert Forest Service Road 4100 within the wilderness boundary to a trail for primitive recreational use.

(d) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land within the boundary of the wilderness area designated by this section that is acquired by the United States shall—

- (1) become part of the Devil's Staircase Wilderness Area; and
- (2) be managed in accordance with this section and any other applicable law.

(e) **FISH AND WILDLIFE.**—Nothing in this section shall be construed as affecting the jurisdiction or responsibilities of the State of Oregon with respect to wildlife and fish in the national forests.

(f) **WITHDRAWAL.**—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as wilderness area by this section is withdrawn from all forms of—

- (1) entry, appropriation, or disposal under the public land laws;
- (2) location, entry, and patent under the mining laws; and
- (3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(g) **PROTECTION OF TRIBAL RIGHTS.**—Nothing in this section shall be construed to diminish—

- (1) the existing rights of any Indian tribe; or
- (2) tribal rights regarding access to Federal lands for tribal activities, including spiritual, cultural, and traditional food gathering activities.

**SEC. 352. EXPANSION OF WILD ROGUE WILDERNESS AREA.**

(a) **EXPANSION.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land managed by the Bureau of Land Management, comprising approximately 58,100 acres, as generally depicted on the map entitled "Wild Rogue", dated September 16, 2010, are hereby included in the Wild Rogue Wilderness, a component of the National Wilderness Preservation System.

(b) **MAPS AND LEGAL DESCRIPTIONS.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall file a map and a legal description of the wilderness area designated by this section, with—

- (A) the Committee on Energy and Natural Resources of the Senate; and
- (B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(3) **PUBLIC AVAILABILITY.**—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) **ADMINISTRATION.**—Subject to valid existing rights, the area designated as wilderness by this section shall be administered by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(d) **WITHDRAWAL.**—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as wilderness by this section is withdrawn from all forms of—

- (1) entry, appropriation, or disposal under the public land laws;
- (2) location, entry, and patent under the mining laws; and
- (3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

**CHAPTER 2—WILD AND SCENIC RIVER DESIGNATED AND RELATED PROTECTIONS**

**SEC. 361. WILD AND SCENIC RIVER DESIGNATIONS, MOLALLA RIVER.**

(a) **DESIGNATIONS.**—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"( ) MOLALLA RIVER, OREGON.—The following segments in the State of Oregon, to be administered by the Secretary of the Interior as a recreational river:

"(A) The approximately 15.1-mile segment from the southern boundary line of T. 7 S., R. 4 E., sec. 19, downstream to the edge of the Bureau of Land Management boundary in T. 6 S., R. 3 E., sec. 7.

"(B) The approximately 6.2-mile segment from the easternmost Bureau of Land Management boundary line in the NE¼ sec. 4, T. 7 S., R. 4 E., downstream to the confluence with the Molalla River."

(b) **TECHNICAL CORRECTIONS.**—Section 3(a)(102) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(102)) is amended—

(1) in the heading, by striking "SQUAW CREEK" and inserting "WHYCHUS CREEK";

(2) in the matter preceding subparagraph (A), by striking "McAllister Ditch, including the Soap Fork Squaw Creek, the North Fork, the South Fork, the East and West Forks of Park Creek, and Park Creek Fork" and inserting "Plainview Ditch, including the Soap Creek, the North and South Forks of Whychus Creek, the East and West Forks of Park Creek, and Park Creek"; and

(3) in subparagraph (B), by striking "McAllister Ditch" and inserting "Plainview Ditch".

**SEC. 362. WILD AND SCENIC RIVERS ACT TECHNICAL CORRECTIONS RELATED TO CHETCO RIVER.**

Section 3(a)(69) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(69)) is amended—

(1) by inserting before the "The 44.5-mile" the following:

"(A) DESIGNATIONS.—";

(2) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively (and by moving the margins 2 ems to the right);

(3) in clause (i), as redesignated—

(A) by striking "25.5-mile" and inserting "27.5-mile"; and

(B) by striking "Boulder Creek at the Kalmiopsis Wilderness boundary" and inserting "Mislatah Creek";

(4) in clause (ii), as redesignated—

(A) by striking "8" and inserting "7.5";

(B) by striking "Boulder Creek" and inserting "Mislatah Creek"; and

(C) by striking "Steel Bridge" and inserting "Eagle Creek";

(5) in clause (iii), as redesignated—

(A) by striking "11" and inserting "9.5"; and

(B) by striking "Steel Bridge" and inserting "Eagle Creek"; and

(6) by adding at the end the following:

"(B) WITHDRAWAL.—Subject to valid rights, the Federal land within the boundaries of the river segments designated by subparagraph (A), is withdrawn from all forms of—

"(i) entry, appropriation, or disposal under the public land laws;

"(ii) location, entry, and patent under the mining laws; and

"(iii) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials."

**SEC. 363. WILD AND SCENIC RIVER DESIGNATIONS, WASSON CREEK AND FRANKLIN CREEK.**

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"( ) FRANKLIN CREEK, OREGON.—The 4.5-mile segment from the headwaters to the private land boundary in section 8 to be administered by the Secretary of Agriculture as a wild river.

"( ) WASSON CREEK, OREGON.—

"(A) The 4.2-mile segment from the eastern edge of section 17 downstream to the boundary of sections 11 and 12 to be administered by the Secretary of Interior as a wild river.

"(B) The 5.9-mile segment downstream from the boundary of sections 11 and 12 to the private land boundary in section 22 to be administered by the Secretary of Agriculture as a wild river."

**SEC. 364. WILD AND SCENIC RIVER DESIGNATIONS, ROGUE RIVER AREA.**

(a) DESIGNATIONS.—Section 3(a)(5) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) (relating to the Rogue River, Oregon) is amended by adding at the end the following: "In addition to the segment described in the previous sentence, the following segments in the Rogue River area are designated:

"(A) KELSEY CREEK.—The approximately 4.8 miles of Kelsey Creek from east section line of T32S, R9W, sec. 34, W.M. to the confluence with the Rogue River as a wild river.

"(B) EAST FORK KELSEY CREEK.—The approximately 4.6 miles of East Fork Kelsey Creek from the Wild Rogue Wilderness boundary in T33S, R8W, sec. 5, W.M. to the confluence with Kelsey Creek as a wild river.

"(C) WHISKY CREEK.—

"(i) The approximately 0.6 miles of Whisky Creek from the confluence of the East Fork and West Fork to 0.1 miles downstream from road 33-8-23 as a recreational river.

- “(ii) The approximately 1.9 miles of Whisky Creek from 0.1 miles downstream from road 33-8-23 to the confluence with the Rogue River as a wild river.
- “(D) EAST FORK WHISKY CREEK.—
  - “(i) The approximately 2.8 miles of East Fork Whisky Creek from the Wild Rogue Wilderness boundary in T33S, R8W, sec. 11, W.M. to 0.1 miles downstream of road 33-8-26 crossing as a wild river.
  - “(ii) The approximately .3 miles of East Fork Whisky Creek from 0.1 miles downstream of road 33-8-26 to the confluence with Whisky Creek as a recreational river.
- “(E) WEST FORK WHISKY CREEK.—The approximately 4.8 miles of West Fork Whisky Creek from its headwaters to the confluence with Whisky Creek as a wild river.
- “(F) BIG WINDY CREEK.—
  - “(i) The approximately 1.5 miles of Big Windy Creek from its headwaters to 0.1 miles downstream from road 34-9-17.1 as a scenic river.
  - “(ii) The approximately 5.8 miles of Big Windy Creek from 0.1 miles downstream from road 34-9-17.1 to the confluence with the Rogue River as a wild river.
- “(G) EAST FORK BIG WINDY CREEK.—
  - “(i) The approximately 0.2 miles of East Fork Big Windy Creek from its headwaters to 0.1 miles downstream from road 34-8-36 as a scenic river.
  - “(ii) The approximately 3.7 miles of East Fork Big Windy Creek from 0.1 miles downstream from road 34-8-36 to the confluence with Big Windy Creek as a wild river.
- “(H) LITTLE WINDY CREEK.—The approximately 1.9 miles of Little Windy Creek from 0.1 miles downstream of road 34-8-36 to the confluence with the Rogue River as a wild river.
- “(I) HOWARD CREEK.—
  - “(i) The approximately 0.3 miles of Howard Creek from its headwaters to 0.1 miles downstream of road 34-9-34 as a scenic river.
  - “(ii) The approximately 6.9 miles of Howard Creek from 0.1 miles downstream of road 34-9-34 to the confluence with the Rogue River as a wild river.
- “(J) MULE CREEK.—The approximately 6.3 miles of Mule Creek from east section line of T32S, R10W, sec. 25, W.M to the confluence with the Rogue River as a wild river.
- “(K) ANNA CREEK.—The approximately 3.5-mile section of Anna Creek from its headwaters to the confluence with Howard Creek as a wild river.
- “(L) MISSOURI CREEK.—The approximately 1.6 miles of Missouri Creek from the Wild Rogue Wilderness boundary in T33S, R10W, sec. 24, W.M. to the confluence with the Rogue River as a wild river.
- “(M) JENNY CREEK.—The approximately 1.8 miles of Jenny Creek from the Wild Rogue Wilderness boundary in T33S, R9W, sec.28, W.M. to the confluence with the Rogue River as a wild river.
- “(N) RUM CREEK.—The approximately 2.2 miles of Rum Creek from the Wild Rogue Wilderness boundary in T34S, R8W, sec. 9, W.M. to the confluence with the Rogue River as a wild river.
- “(O) EAST FORK RUM CREEK.—The approximately 1.5 miles of East Rum Creek from the Wild Rogue Wilderness boundary in T34S, R8W, sec. 10, W.M. to the confluence with Rum Creek as a wild river.
- “(P) WILDCAT CREEK.—The approximately 1.7-mile section of Wildcat Creek from its headwaters downstream to the confluence with the Rogue River as a wild river.
- “(Q) MONTGOMERY CREEK.—The approximately 1.8-mile section of Montgomery Creek from its headwaters downstream to the confluence with the Rogue River as a wild river.
- “(R) HEWITT CREEK.—The approximately 1.2 miles of Hewitt Creek from the Wild Rogue Wilderness boundary in T33S, R9W, sec. 19, W.M. to the confluence with the Rogue River as a wild river.
- “(S) BUNKER CREEK.—The approximately 6.6 miles of Bunker Creek from its headwaters to the confluence with the Rogue River as a wild river.
- “(T) DULOG CREEK.—
  - “(i) The approximately 0.8 miles of Dulog Creek from its headwaters to 0.1 miles downstream of road 34-8-36 as a scenic river.

“(ii) The approximately 1.0 miles of Dulog Creek from 0.1 miles downstream of road 34-8-36 to the confluence with the Rogue River as a wild river.

“(U) QUAIL CREEK.—The approximately 1.7 miles of Quail Creek from the Wild Rogue Wilderness boundary in T33S, R10W, sec. 1, W.M. to the confluence with the Rogue River as a wild river.

“(V) MEADOW CREEK.—The approximately 4.1 miles of Meadow Creek from its headwaters to the confluence with the Rogue River as a wild river.

“(W) RUSSIAN CREEK.—The approximately 2.5 miles of Russian Creek from the Wild Rogue Wilderness boundary in T33S, R8W, sec. 20, W.M. to the confluence with the Rogue River as a wild river.

“(X) ALDER CREEK.—The approximately 1.2 miles of Alder Creek from its headwaters to the confluence with the Rogue River as a wild river.

“(Y) BOOZE CREEK.—The approximately 1.5 miles of Booze Creek from its headwaters to the confluence with the Rogue River as a wild river.

“(Z) BRONCO CREEK.—The approximately 1.8 miles of Bronco Creek from its headwaters to the confluence with the Rogue River as a wild river.

“(AA) COPSEY CREEK.—The approximately 1.5 miles of Copsey Creek from its headwaters to the confluence with the Rogue River as a wild river.

“(BB) CORRAL CREEK.—The approximately 0.5 miles of Corral Creek from its headwaters to the confluence with the Rogue River as a wild river.

“(CC) COWLEY CREEK.—The approximately 0.9 miles of Cowley Creek from its headwaters to the confluence with the Rogue River as a wild river.

“(DD) DITCH CREEK.—The approximately 1.8 miles of Ditch Creek from the Wild Rogue Wilderness boundary in T33S, R9W, sec. 5, W.M. to its confluence with the Rogue River as a wild river.

“(EE) FRANCIS CREEK.—The approximately 0.9 miles of Francis Creek from its headwaters to the confluence with the Rogue River as a wild river.

“(FF) LONG GULCH.—The approximately 1.1 miles of Long Gulch from the Wild Rogue Wilderness boundary in T33S, R10W, sec. 23, W.M. to the confluence with the Rogue River as a wild river.

“(GG) BAILEY CREEK.—The approximately 1.7 miles of Bailey Creek from the west section line of T34S, R8W, sec.14, W.M. to the confluence of the Rogue River as a wild river.

“(HH) SHADY CREEK.—The approximately 0.7 miles of Shady Creek from its headwaters to the confluence with the Rogue River as a wild river.

“(II) SLIDE CREEK.—

“(i) The approximately 0.5-mile section of Slide Creek from its headwaters to 0.1 miles downstream from road 33-9-6 as a scenic river.

“(ii) The approximately 0.7-mile section of Slide Creek from 0.1 miles downstream of road 33-9-6 to the confluence with the Rogue River as a wild river.”

(b) MANAGEMENT.—All wild, scenic, and recreation classified segments designated by the amendment made by subsection (a) shall be managed as part of the Rogue Wild and Scenic River.

(c) WITHDRAWAL.—Subject to valid rights, the Federal land within the boundaries of the river segments designated by the amendment made by subsection (a) is withdrawn from all forms of—

- (1) entry, appropriation, or disposal under the public land laws;
- (2) location, entry, and patent under the mining laws; and
- (3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

**SEC. 365. ADDITIONAL PROTECTIONS FOR ROGUE RIVER TRIBUTARIES.**

(a) WITHDRAWAL.—Subject to valid rights, the Federal land within a quarter-mile on each side of the streams listed in subsection (b) is withdrawn from all forms of—

- (1) entry, appropriation, or disposal under the public land laws;
- (2) location, entry, and patent under the mining laws; and
- (3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(b) STREAM SEGMENTS.—Subsection (a) applies the following tributaries of the Rogue River:

- (1) KELSEY CREEK.—The approximately 4.5 miles of Kelsey Creek from its headwaters to the east section line of 32S 9W sec. 34.

(2) EAST FORK KELSEY CREEK.—The approximately .2 miles of East Fork Kelsey Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 8W sec. 5.

(3) EAST FORK WHISKY CREEK.—The approximately .7 miles of East Fork Whisky Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 8W section 11.

(4) LITTLE WINDY CREEK.—The approximately 1.2 miles of Little Windy Creek from its headwaters to west section line of 33S 9W sec. 34.

(5) MULE CREEK.—The approximately 5.1 miles of Mule Creek from its headwaters to east section line of 32S 10W sec. 25.

(6) MISSOURI CREEK.—The approximately 3.1 miles of Missouri Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 10W sec. 24.

(7) JENNY CREEK.—The approximately 3.1 miles of Jenny Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 9W sec. 28.

(8) RUM CREEK.—The approximately 2.2 miles of Rum Creek from its headwaters to the Wild Rogue Wilderness boundary in 34S 8W sec. 9.

(9) EAST FORK RUM CREEK.—The approximately .5 miles of East Fork Rum Creek from its headwaters to the Wild Rogue Wilderness boundary in 34S 8W sec. 10.

(10) HEWITT CREEK.—The approximately 1.4 miles of Hewitt Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 9W sec. 19.

(11) QUAIL CREEK.—The approximately .8 miles of Quail Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 10W sec. 1.

(12) RUSSIAN CREEK.—The approximately .1 miles of Russian Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 8W sec. 20.

(13) DITCH CREEK.—The approximately .7 miles of Ditch Creek from its headwaters to the Wild Rogue Wilderness boundary in 33S 9W sec. 5.

(14) LONG GULCH.—The approximately 1.4 miles of Long Gulch from its headwaters to the Wild Rogue Wilderness boundary in 33S 10W sec. 23.

(15) BAILEY CREEK.—The approximately 1.4 miles of Bailey Creek from its headwaters to west section line of 34S 8W sec. 14.

(16) QUARTZ CREEK.—The approximately 3.3 miles of Quartz Creek from its headwaters to its confluence with the North Fork Galice Creek.

(17) NORTH FORK GALICE CREEK.—The approximately 5.7 miles of the North Fork Galice Creek from its headwaters to its confluence with Galice Creek.

(18) GRAVE CREEK.—The approximately 10.2 mile section of Grave Creek from the confluence of Wolf Creek downstream to the confluence with the Rogue River.

(19) CENTENNIAL GULCH.—The approximately 2.2 miles of Centennial Gulch from its headwaters to its confluence with the Rogue River.

### CHAPTER 3—ADDITIONAL PROTECTIONS

#### SEC. 371. LIMITATIONS ON LAND ACQUISITION.

(a) PROHIBITION ON USE OF CONDEMNATION.—The Secretary of the Interior or the Secretary of Agriculture may not acquire by condemnation any land or interest within the boundaries of the river segments or wilderness designated by this subtitle.

(b) LANDOWNER CONSENT REQUIRED.—Private or non-Federal public property shall not be included within the boundaries of the river segments or wilderness designated by this subtitle unless the owner of the property has consented in writing to having that property included in such boundaries.

#### SEC. 372. OVERFLIGHTS.

(a) IN GENERAL.—Nothing in this subtitle or the Wilderness Act shall preclude low-level overflights and operations of military aircraft, helicopters, missiles, or unmanned aerial vehicles over the wilderness designated by this subtitle, including military overflights and operations that can be seen or heard within the wilderness.

(b) SPECIAL USE AIRSPACE AND TRAINING ROUTES.—Nothing in this subtitle or the Wilderness Act shall preclude the designation of new units of special use airspace, the expansion of existing units of special use airspace, or the use or establishment of military training routes over wilderness designated by this subtitle.

#### SEC. 373. BUFFER ZONES.

Nothing in this title—

(1) establishes or authorizes the establishment of a protective perimeter or buffer zone around the boundaries of the river segments or wilderness designated by this subtitle; or

(2) precludes, limits, or restricts an activity from being conducted outside such boundaries, including an activity that can be seen or heard from within such boundaries.

**SEC. 374. PREVENTION OF WILDFIRES.**

The designation of a river segment or wilderness by this subtitle or the withdrawal of the Federal land under this subtitle shall not be construed to interfere with the authority of the Secretary of the Interior or the Secretary of Agriculture to authorize mechanical thinning of trees or underbrush to prevent or control the spread of wildfires, or conditions creating the risk of wildfire that threatens areas outside the boundary of the wilderness, or the use of mechanized equipment for wildfire pre-suppression and suppression.

**SEC. 375. LIMITATION ON DESIGNATION OF CERTAIN LANDS IN OREGON.**

A national monument designation under the Act of June 8, 1906 (commonly known as the Antiquities Act; 16 U.S.C. 431 et seq.) within or on any portion of the Oregon and California Railroad Grant Lands or the O&C Region Public Domain lands, regardless of whether management authority over the lands are transferred to the O&C Trust pursuant to section 311(c)(1), the lands are excluded from the O&C Trust pursuant to section 311(c)(2), or the lands are transferred to the Forest Service under section 321, shall only be made pursuant to Congressional approval in an Act of Congress.

**CHAPTER 4—EFFECTIVE DATE**

**SEC. 381. EFFECTIVE DATE.**

(a) **IN GENERAL.**—This subtitle and the amendments made by this subtitle shall take effect on October 1 of the second fiscal year of the transition period.

(b) **EXCEPTION.**—If, as a result of judicial review authorized by section 312, any provision of subtitle A is held to be invalid and implementation of the provision or any activity conducted under the provision is enjoined, this subtitle and the amendments made by this subtitle shall not take effect, or if the effective date specified in subsection (a) has already occurred, this subtitle shall have no force and effect and the amendments made by this subtitle are repealed.

**Subtitle D—Tribal Trust Lands**

**PART 1—COUNCIL CREEK LAND CONVEYANCE**

**SEC. 391. DEFINITIONS.**

In this part:

(1) **COUNCIL CREEK LAND.**—The term “Council Creek land” means the approximately 17,519 acres of land, as generally depicted on the map entitled “Council Creek Land Conveyance” and dated June 27, 2013.

(2) **TRIBE.**—The term “Tribe” means the Cow Creek Band of Umpqua Tribe of Indians.

**SEC. 392. CONVEYANCE.**

(a) **IN GENERAL.**—Subject to valid existing rights, including rights-of-way, all right, title, and interest of the United States in and to the Council Creek land, including any improvements located on the land, appurtenances to the land, and minerals on or in the land, including oil and gas, shall be—

- (1) held in trust by the United States for the benefit of the Tribe; and
- (2) part of the reservation of the Tribe.

(b) **SURVEY.**—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under subsection (a).

**SEC. 393. MAP AND LEGAL DESCRIPTION.**

(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall file a map and legal description of the Council Creek land with—

- (1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(b) **FORCE AND EFFECT.**—The map and legal description filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct any clerical or typographical errors in the map or legal description.

(c) **PUBLIC AVAILABILITY.**—The map and legal description filed under subsection (a) shall be on file and available for public inspection in the Office of the Secretary of the Interior.

**SEC. 394. ADMINISTRATION.**

(a) **IN GENERAL.**—Unless expressly provided in this part, nothing in this part affects any right or claim of the Tribe existing on the date of enactment of this Act to any land or interest in land.

(b) **PROHIBITIONS.**—

(1) **EXPORTS OF UNPROCESSED LOGS.**—Federal law (including regulations) relating to the export of unprocessed logs harvested from Federal land shall apply to any unprocessed logs that are harvested from the Council Creek land.

(2) **NON-PERMISSIBLE USE OF LAND.**—Any real property taken into trust under section 392 shall not be eligible, or used, for any gaming activity carried out under Public Law 100-497 (25 U.S.C. 2701 et seq.).

(c) **FOREST MANAGEMENT.**—Any commercial forestry activity that is carried out on the Council Creek land shall be managed in accordance with all applicable Federal laws

## **PART 2—OREGON COASTAL LAND CONVEYANCE**

**SEC. 395. DEFINITIONS.**

In this part:

(1) **OREGON COASTAL LAND.**—The term “Oregon Coastal land” means the approximately 14,804 acres of land, as generally depicted on the map entitled “Oregon Coastal Land Conveyance” and dated March 5, 2013.

(2) **CONFEDERATED TRIBES.**—The term “Confederated Tribes” means the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.

**SEC. 396. CONVEYANCE.**

(a) **IN GENERAL.**—Subject to valid existing rights, including rights-of-way, all right, title, and interest of the United States in and to the Oregon Coastal land, including any improvements located on the land, appurtenances to the land, and minerals on or in the land, including oil and gas, shall be—

(1) held in trust by the United States for the benefit of the Confederated Tribes; and

(2) part of the reservation of the Confederated Tribes.

(b) **SURVEY.**—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under subsection (a).

**SEC. 397. MAP AND LEGAL DESCRIPTION.**

(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall file a map and legal description of the Oregon Coastal land with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(b) **FORCE AND EFFECT.**—The map and legal description filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct any clerical or typographical errors in the map or legal description.

(c) **PUBLIC AVAILABILITY.**—The map and legal description filed under subsection (a) shall be on file and available for public inspection in the Office of the Secretary of the Interior.

**SEC. 398. ADMINISTRATION.**

(a) **IN GENERAL.**—Unless expressly provided in this part, nothing in this part affects any right or claim of the Consolidated Tribes existing on the date of enactment of this Act to any land or interest in land.

(b) **PROHIBITIONS.**—

- (1) EXPORTS OF UNPROCESSED LOGS.—Federal law (including regulations) relating to the export of unprocessed logs harvested from Federal land shall apply to any unprocessed logs that are harvested from the Oregon Coastal land.
- (2) NON-PERMISSIBLE USE OF LAND.—Any real property taken into trust under section 396 shall not be eligible, or used, for any gaming activity carried out under Public Law 100-497 (25 U.S.C. 2701 et seq.).
- (c) FOREST MANAGEMENT.—Any commercial forestry activity that is carried out on the Oregon Coastal land shall be managed in accordance with all applicable Federal laws.

## TITLE IV—COMMUNITY FOREST MANAGEMENT DEMONSTRATION

### SEC. 401. PURPOSE AND DEFINITIONS.

- (a) PURPOSE.—The purpose of this title is to generate dependable economic activity for counties and local governments by establishing a demonstration program for local, sustainable forest management.
- (b) DEFINITIONS.—In this title:
  - (1) ADVISORY COMMITTEE.—The term “Advisory Committee” means the Advisory Committee appointed by the Governor of a State for the community forest demonstration area established for the State.
  - (2) COMMUNITY FOREST DEMONSTRATION AREA.—The term “community forest demonstration area” means a community forest demonstration area established for a State under section 402.
  - (3) NATIONAL FOREST SYSTEM.—The term “National Forest System” has the meaning given that term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)), except that the term does not include the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012).
  - (4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture or the designee of the Secretary of Agriculture.
  - (5) STATE.—The term “State” includes the Commonwealth of Puerto Rico.

### SEC. 402. ESTABLISHMENT OF COMMUNITY FOREST DEMONSTRATION AREAS.

- (a) ESTABLISHMENT REQUIRED; TIME FOR ESTABLISHMENT.—Subject to subsection (c) and not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall establish a community forest demonstration area at the request of the Advisory Committee appointed to manage community forest demonstration area land in that State.
- (b) COVERED LAND.—
  - (1) INCLUSION OF NATIONAL FOREST SYSTEM LAND.—The community forest demonstration areas of a State shall consist of the National Forest System land in the State identified for inclusion by the Advisory Committee of that State.
  - (2) EXCLUSION OF CERTAIN LAND.—A community forest demonstration area shall not include National Forest System land—
    - (A) that is a component of the National Wilderness Preservation System;
    - (B) on which the removal of vegetation is specifically prohibited by Federal law;
    - (C) National Monuments; or
    - (D) over which administration jurisdiction was first assumed by the Forest Service under title III.
- (c) CONDITIONS ON ESTABLISHMENT.—
  - (1) ACREAGE REQUIREMENT.—A community forest demonstration area must include at least 200,000 acres of National Forest System land.
  - (2) MANAGEMENT LAW REQUIREMENT.—A community forest demonstration area may be established in a State only if the State has a forest practices law applicable to State or privately owned forest land in the State.
  - (3) REVENUE SHARING REQUIREMENT.—As a condition of the inclusion in a community forest demonstration area of National Forest System land located in a particular county in a State, the county must enter into an agreement with the Governor of the State that requires that, in utilizing revenues received by the county under section 406(b), the county shall continue to meet any obligations under applicable State law as provided under title I of the Secure Rural

Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111 et seq.) or as provided in the sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (16 U.S.C. 500) and section 13 of the Act of March 1, 1911 (16 U.S.C. 500).

(d) TREATMENT UNDER CERTAIN OTHER LAWS.—National Forest System land included in a community forest demonstration area shall not be considered Federal land for purposes of—

(1) making payments to counties under the sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (16 U.S.C. 500) and section 13 of the Act of March 1, 1911 (16 U.S.C. 500); or

(2) title I.

(e) ACREAGE LIMITATION.—Not more than a total of 2,000,000 acres of National Forest System land may be established as community forest demonstration areas.

(f) RECOGNITION OF VALID AND EXISTING RIGHTS.—Nothing in this title shall be construed to limit or restrict—

(1) access to National Forest System land included in a community forest demonstration area for hunting, fishing, and other related purposes; or

(2) valid and existing rights regarding such National Forest System land, including rights of any federally recognized Indian tribe.

#### SEC. 403. ADVISORY COMMITTEE.

(a) APPOINTMENT.—A community forest demonstration area for a State shall be managed by an Advisory Committee appointed by the Governor of the State.

(b) COMPOSITION.—The Advisory Committee for a community forest demonstration area in a State shall include, but is not limited to, the following members:

(1) One member who holds county or local elected office, appointed from each county or local governmental unit in the State containing community forest demonstration area land.

(2) One member who represents the commercial timber, wood products, or milling industry.

(3) One member who represents persons holding Federal grazing or other land use permits.

(4) One member who represents recreational users of National Forest System land.

(c) TERMS.—

(1) IN GENERAL.—Except in the case of certain initial appointments required by paragraph (2), members of an Advisory Committee shall serve for a term of three years.

(2) INITIAL APPOINTMENTS.—In making initial appointments to an Advisory Committee, the Governor making the appointments shall stagger terms so that at least one-third of the members will be replaced every three years.

(d) COMPENSATION.—Members of a Advisory Committee shall serve without pay, but may be reimbursed from the funds made available for the management of a community forest demonstration area for the actual and necessary travel and subsistence expenses incurred by members in the performance of their duties.

#### SEC. 404. MANAGEMENT OF COMMUNITY FOREST DEMONSTRATION AREAS.

(a) ASSUMPTION OF MANAGEMENT.—

(1) CONFIRMATION.—The Advisory Committee appointed for a community forest demonstration area shall assume all management authority with regard to the community forest demonstration area as soon as the Secretary confirms that—

(A) the National Forest System land to be included in the community forest demonstration area meets the requirements of subsections (b) and (c) of section 402;

(B) the Advisory Committee has been duly appointed under section 403 and is able to conduct business; and

(C) provision has been made for essential management services for the community forest demonstration area.

(2) SCOPE AND TIME FOR CONFIRMATION.—The determination of the Secretary under paragraph (1) is limited to confirming whether the conditions specified in subparagraphs (A) and (B) of such paragraph have been satisfied. The Secretary shall make the determination not later than 60 days after the date of the appointment of the Advisory Committee.

(3) EFFECT OF FAILURE TO CONFIRM.—If the Secretary determines that either or both conditions specified in subparagraphs (A) and (B) of paragraph (1) are not satisfied for confirmation of an Advisory Committee, the Secretary shall—

(A) promptly notify the Governor of the affected State and the Advisory Committee of the reasons preventing confirmation; and

(B) make a new determination under paragraph (2) within 60 days after receiving a new request from the Advisory Committee that addresses the reasons that previously prevented confirmation.

(b) **MANAGEMENT RESPONSIBILITIES.**—Upon assumption of management of a community forest demonstration area, the Advisory Committee for the community forest demonstration area shall manage the land and resources of the community forest demonstration area and the occupancy and use thereof in conformity with this title, and to the extent not in conflict with this title, the laws and regulations applicable to management of State or privately-owned forest lands in the State in which the community forest demonstration area is located.

(c) **APPLICABILITY OF OTHER FEDERAL LAWS.**—

(1) **IN GENERAL.**—The administration and management of a community forest demonstration area, including implementing actions, shall not be considered Federal action and shall be subject to the following only to the extent that such laws apply to the State or private administration and management of forest lands in the State in which the community forest demonstration area is located:

(A) The Federal Water Pollution Control Act (33 U.S.C. 1251 note).

(B) The Clean Air Act (42 U.S.C. 7401 et seq.).

(C) The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(D) Federal laws and regulations governing procurement by Federal agencies.

(E) Except as provided in paragraph (2), other Federal laws.

(2) **APPLICABILITY OF NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT.**—Notwithstanding the assumption by an Advisory Committee of management of a community forest demonstration area, the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) shall continue to apply to the National Forest System land included in the community forest demonstration area.

(d) **CONSULTATION.**—

(1) **WITH INDIAN TRIBES.**—The Advisory Committee for a community forest demonstration area shall cooperate and consult with Indian tribes on management policies and practices for the community forest demonstration area that may affect the Indian tribes. The Advisory Committee shall take into consideration the use of lands within the community forest demonstration area for religious and cultural uses by Native Americans.

(2) **WITH COLLABORATIVE GROUPS.**—The Advisory Committee for a community forest demonstration area shall consult with any applicable forest collaborative group.

(e) **RECREATION.**—Nothing in this section shall affect public use and recreation within a community forest demonstration area.

(f) **FIRE MANAGEMENT.**—The Secretary shall provide fire presuppression, suppression, and rehabilitation services on and with respect to a community forest demonstration area to the same extent generally authorized in other units of the National Forest System.

(g) **PROHIBITION ON EXPORT.**—As a condition on the sale of timber or other forest products from a community forest demonstration area, unprocessed timber harvested from a community forest demonstration area may not be exported in accordance with 223.48 of title 36, Code of Federal Regulations.

**SEC. 405. DISTRIBUTION OF FUNDS FROM COMMUNITY FOREST DEMONSTRATION AREA.**

(a) **RETENTION OF FUNDS FOR MANAGEMENT.**—The Advisory Committee appointed for a community forest demonstration area may retain such sums as the Advisory Committee considers to be necessary from amounts generated from that community forest demonstration area to fund the management, administration, restoration, operation and maintenance, improvement, repair, and related expenses incurred with respect to the community forest demonstration area.

(b) **FUNDS TO COUNTIES OR LOCAL GOVERNMENTAL UNITS.**—Subject to subsection (a) and section 407, the Advisory Committee for a community forest demonstration area in a State shall distribute funds generated from that community forest demonstration area to each county or local governmental unit in the State in an amount proportional to the funds received by the county or local governmental unit under title I of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111 et seq.).

**SEC. 406. INITIAL FUNDING AUTHORITY.**

(a) **FUNDING SOURCE.**—Counties may use such sum as the counties consider to be necessary from the amounts made available to the counties under section 501 to provide initial funding for the management of community forest demonstration areas.

(b) **NO RESTRICTION ON USE OF NON-FEDERAL FUNDS.**—Nothing in this title restricts the Advisory Committee of a community forest demonstration area from seeking non-Federal loans or other non-Federal funds for management of the community forest demonstration area.

**SEC. 407. PAYMENTS TO UNITED STATES TREASURY.**

(a) **PAYMENT REQUIREMENT.**—As soon as practicable after the end of the fiscal year in which a community forest demonstration area is established and as soon as practicable after the end of each subsequent fiscal year, the Advisory Committee for a community forest demonstration area shall make a payment to the United States Treasury.

(b) **PAYMENT AMOUNT.**—The payment for a fiscal year under subsection (a) with respect to a community forest demonstration area shall be equal to 75 percent of the quotient obtained by dividing—

(1) the number obtained by multiplying the number of acres of land in the community forest demonstration area by the average annual receipts generated over the preceding 10-fiscal year period from the unit or units of the National Forest System containing that community forest demonstration area; by

(2) the total acres of National Forest System land in that unit or units of the National Forest System.

**SEC. 408. TERMINATION OF COMMUNITY FOREST DEMONSTRATION AREA.**

(a) **TERMINATION AUTHORITY.**—Subject to approval by the Governor of the State, the Advisory Committee for a community forest demonstration area may terminate the community forest demonstration area by a unanimous vote.

(b) **EFFECT OF TERMINATION.**—Upon termination of a community forest demonstration area, the Secretary shall immediately resume management of the National Forest System land that had been included in the community forest demonstration area, and the Advisory Committee shall be dissolved.

(c) **TREATMENT OF UNDISTRIBUTED FUNDS.**—Any revenues from the terminated area that remain undistributed under section 405 more than 30 days after the date of termination shall be deposited in the general fund of the Treasury for use by the Forest Service in such amounts as may be provided in advance in appropriation Acts.

## **TITLE V—REAUTHORIZATION AND AMENDMENT OF EXISTING AUTHORITIES AND OTHER MATTERS**

**SEC. 501. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000 PENDING FULL OPERATION OF FOREST RESERVE REVENUE AREAS.**

(a) **BENEFICIARY COUNTIES.**—No later than February 2014, the Secretary of Agriculture shall distribute to each beneficiary county (as defined in section 102(2)) a payment equal to the amount distributed to the beneficiary county for fiscal year 2010 under section 102(c)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(c)(1)).

(b) **COUNTIES THAT WERE ELIGIBLE FOR DIRECT COUNTY PAYMENTS.**—No later than February 2014, the Secretary of the Interior shall distribute to each county that received a payment for fiscal year 2010 under section 102(a)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(a)(2)) a payment equal to the amount distributed to the county for fiscal year 2010 under section 102(c)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(c)(1)).

**SEC. 502. RESTORING ORIGINAL CALCULATION METHOD FOR 25-PERCENT PAYMENTS.**

(a) **AMENDMENT OF ACT OF MAY 23, 1908.**—The sixth paragraph under the heading “FOREST SERVICE” in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence—

(1) by striking “the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years” and inserting “25 percent of all amounts received for the applicable fiscal year”;

(2) by striking “said reserve” both places it appears and inserting “the national forest”; and

(3) by striking “forest reserve” both places it appears and inserting “national forest”.

(b) **CONFORMING AMENDMENT TO WEEKS LAW.**—Section 13 of the Act of March 1, 1911 (commonly known as the Weeks Law; 16 U.S.C. 500) is amended in the first sentence by striking “the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years” and inserting “25 percent of all amounts received for the applicable fiscal year”.

**SEC. 503. FOREST SERVICE AND BUREAU OF LAND MANAGEMENT GOOD-NEIGHBOR COOPERATION WITH STATES TO REDUCE WILDFIRE RISKS.**

(a) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE STATE.**—The term “eligible State” means a State that contains National Forest System land or land under the jurisdiction of the Bureau of Land Management.

(2) **SECRETARY.**—The term “Secretary” means—

(A) the Secretary of Agriculture, with respect to National Forest System land; or

(B) the Secretary of the Interior, with respect to land under the jurisdiction of the Bureau of Land Management.

(3) **STATE FORESTER.**—The term “State forester” means the head of a State agency with jurisdiction over State forestry programs in an eligible State.

(b) **COOPERATIVE AGREEMENTS AND CONTRACTS AUTHORIZED.**—The Secretary may enter into a cooperative agreement or contract (including a sole source contract) with a State forester to authorize the State forester to provide the forest, rangeland, and watershed restoration, management, and protection services described in subsection (c) on National Forest System land or land under the jurisdiction of the Bureau of Land Management, as applicable, in the eligible State.

(c) **AUTHORIZED SERVICES.**—The forest, rangeland, and watershed restoration, management, and protection services referred to in subsection (b) include the conduct of—

(1) activities to treat insect infested forests;

(2) activities to reduce hazardous fuels;

(3) activities involving commercial harvesting or other mechanical vegetative treatments; or

(4) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(d) **STATE AS AGENT.**—Except as provided in subsection (g), a cooperative agreement or contract entered into under subsection (b) may authorize the State forester to serve as the agent for the Secretary in providing the restoration, management, and protection services authorized under subsection (b).

(e) **SUBCONTRACTS.**—In accordance with applicable contract procedures for the eligible State, a State forester may enter into subcontracts to provide the restoration, management, and protection services authorized under a cooperative agreement or contract entered into under subsection (b).

(f) **TIMBER SALES.**—Subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) shall not apply to services performed under a cooperative agreement or contract entered into under subsection (b).

(g) **RETENTION OF NEPA RESPONSIBILITIES.**—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any restoration, management, or protection services to be provided under this section by a State forester on National Forest System land or Bureau of Land Management land, as applicable, shall not be delegated to a State forester or any other officer or employee of the eligible State.

(h) **APPLICABLE LAW.**—The restoration, management, and protection services to be provided under this section shall be carried out on a project-to-project basis under existing authorities of the Forest Service or Bureau of Land Management, as applicable.

**SEC. 504. STEWARDSHIP END RESULT CONTRACTING PROJECT AUTHORITY.**

(a) **EXTENSION OF AUTHORITY.**—Section 347(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of di-

vision A of Public Law 105-277; 16 U.S.C. 2104 note) is amended by striking "2013" and inserting "2017".

(b) **DURATION OF CONTRACTS.**—Section 347(c)(2) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105-277; 16 U.S.C. 2104 note) is amended by striking "10 years" and inserting "20 years".

(c) **CANCELLATION CEILING.**—Section 347(c) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105-277; 16 U.S.C. 2104 note) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (6) and (7), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) **CANCELLATION CEILING.**—

“(A) **AUTHORITY.**—The Chief of the Forest Service and the Director of the Bureau of Land Management may obligate funds to cover any potential cancellation or termination costs for an agreement or contract under subsection (a) in stages that are economically or programmatically viable.

“(B) **NOTICE TO CONGRESS.**—Not later than 30 days before entering into a multiyear agreement or contract under subsection (a) that includes a cancellation ceiling in excess of \$25,000,000, but does not include proposed funding for the costs of cancelling the agreement or contract up to the cancellation ceiling established in the agreement or contract, the Chief or the Director, as the case may be, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a written notice that includes—

“(i) the cancellation ceiling amounts proposed for each program year in the agreement or contract and the reasons for such cancellation ceiling amounts;

“(ii) the extent to which the costs of contract cancellation are not included in the budget for the agreement or contract; and

“(iii) an assessment of the financial risk of not including budgeting for the costs of agreement or contract cancellation.

“(C) **NOTICE TO OMB.**—At least 14 days before the date on which the Chief or Director enters into an agreement or contract under subsection (a), the Chief or Director shall transmit to the Director of the Office of Management and Budget a copy of any written notice submitted under subparagraph (B) with regard to such agreement or contract.”.

(d) **FIRE LIABILITY.**—Section 347(c) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105-277; 16 U.S.C. 2104 note) is amended by inserting after paragraph (4), as added by subsection (c) of this section, the following new paragraph:

“(5) **FIRE LIABILITY PROVISIONS.**—Not later than 90 days after the date of enactment of this paragraph, the Chief of the Forest Service and the Director of the Bureau of Land Management shall issue, for use in all contracts and agreements under subsection (a), fire liability provisions that are in substantially the same form as the fire liability provisions contained in—

“(A) integrated resource timber contracts, as described in the Forest Service contract numbered 2400-13, part H, section H.4; and

“(B) timber sale contracts conducted pursuant to section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a).”.

**SEC. 505. CLARIFICATION OF NATIONAL FOREST MANAGEMENT ACT OF 1976 AUTHORITY.**

Section 14(g) of the National Forest Management Act of 1976 (16 U.S.C. 472a(g)) is amended by striking “Designation, marking when necessary,” and inserting “Designation, including marking when necessary, or designation by description or by prescription.”.

**SEC. 506. TREATMENT AS SUPPLEMENTAL FUNDING.**

None of the funds made available to a beneficiary county (as defined in section 102(2)) or other political subdivision of a State under this Act shall be used in lieu of or to otherwise offset State funding sources for local schools, facilities, or educational purposes.

**SEC. 507. EXCEPTION OF CERTAIN FOREST PROJECTS AND ACTIVITIES FROM APPEALS REFORM ACT AND OTHER REVIEW.**

Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102-381; 16 U.S.C. 1612 note) and section 428 of Divi-

sion E of the Consolidated Appropriations Act, 2012 (Public Law 112-74; 125 Stat. 1046; 16 U.S.C. 6515 note) shall not apply to any project or activity implementing a land and resource management plan developed under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) that is categorically excluded from documentation in an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

## **PURPOSE OF THE BILL**

The purpose of H.R. 1526 is to restore employment and educational opportunities in, and improve the economic stability of, counties containing National Forest System land, while also reducing Forest Service management costs, by ensuring that such counties have a dependable source of revenue from National Forest System land, and to provide a temporary extension of the Secure Rural Schools and Community Self-Determination Act of 2000.

## **BACKGROUND AND NEED FOR LEGISLATION**

Under federal law passed in 1908, the U.S. Forest Service has historically shared 25 percent of all timber revenues with rural counties containing National Forest land to compensate them for large amounts of federal land that cannot be locally taxed. Since that time, these “25% payments” have provided counties with much-needed funding for essential services such as education and infrastructure. However, by the late 1990s, timber harvests dramatically declined due to federal overregulation and harmful lawsuits, prompting Congress in 2000 to pass the Secure Rural Schools and Community Self-Determination Act (SRS).

SRS was created to provide “transition payments” over a six-year period while Congress worked to increase timber production. It has since been extended several times through 2012. The most recent authorization expired on September 30, 2012, with the last payments distributed in January of 2013. In the absence of SRS, county payments will revert to 25 percent of current timber receipts – approximately \$60 million, an 80 percent decrease from the Fiscal Year 2012 SRS payment of \$320 million.

More urgently, decades of failed policy with respect to active forest management have created unhealthy and overstocked forest conditions, placing an estimated 73 million acres of National Forest land at risk to severe wildfire. The sad reality is that our federal forests were established for timber production but in recent decades have become so mismanaged and tied up by lawsuits that wildfires ravage far, far more trees and acres of forest than are ever responsibly harvested. The 2013 fire season has already had hundreds of fires burn over three million acres, while all but one of the last ten fire seasons have seen over five million acres burned – more than 25 times the number of acres the Forest Service harvests each year.

Forests today are in many cases several times more dense than at the turn of the 20<sup>th</sup> century – for example, ponderosa pine forests throughout the Rocky Mountain West that used to contain 25 trees per acre may now have over 1,000. Failure to thin these forests has resulted in millions of acres of smaller, weaker trees that are prone to disease, insect infestation, and drought as evidenced by the current bark beetle epidemic that has infested over 40 million acres of National Forest land since 1996.

Despite the fact that National Forests are currently adding volume at a net rate of 33 percent annually, timber harvests have declined over 80 percent over the last 30 years. Current harvest levels only remove 10 percent of annual growth, and 16 percent of annual mortality. Total standing timber volume across the National Forest System is currently 1.4 trillion board feet – 700 times current harvest levels.

Currently, the Forest Service, an agency that once managed millions of acres and averaged over one billion dollars in revenues annually, now spends \$2 for every \$1 it produces and spends half of its appropriated budget on wildfire suppression.

A significant factor in declining federal forest health is a lack of long-term and affordable timber harvest access caused by litigation. This is, in large part, due to preservationist organizations using federal statutes like the Endangered Species Act (ESA) and the National Environmental Policy Act (NEPA) as tools to litigate timber harvesting. Litigation and fear of litigation directly impacts how the Forest Service handles timber operations. The Center for Biological Diversity is a prime example of an environmental group that has used litigation and threats to stop forest management. In 2009, CBD Executive Director Kieran Suckling stated:

*When we stop the same timber sale three or four times running, the timber planners want to tear their hair out. They feel like their careers are being mocked and destroyed -- and they are. So they become much more willing to play by our rules and at least get something done. Psychological warfare is a very underappreciated aspect of environmental campaigning.*

Beginning in the early 1990s, administrative appeals and litigation slowed Forest Service decision-making, increased timber program unit costs and reduced contract outputs (smaller, less economically viable contracts). Activist groups have become extremely adept at using the administrative process provided by NEPA and other laws to object to projects on both procedural and substantive grounds. For example, the Western Watersheds Project has been active in objecting to Forest Service NEPA documents on the basis that the agency failed to adequately study how projects impact sensitive species. National Forests in Montana this year alone have already received 17 appeals that have stopped treatment on over 15,000 acres. During an oversight hearing this year in the Subcommittee on Public Lands and Environmental Regulation, a witness from the Obama Administration admitted that litigation in the northern Rockies has “virtually shut things down on the national forests.” The sad result of these lawsuits are forests that go unmanaged, and valuable timber that could support American jobs left to burn in wildfires, which kills species and destroys the forest environment, at times burning so hot that lands are sterilized.

The lack of access to adequate timber resources has been devastating to local communities that once relied on federal forests, both economically and socially, as well as with regard to the impacts from increased risk of catastrophic wildfire. Although there are other factors in western timber industry declines, the main driving factor has been lack of access to federal forests.

The Restoring Healthy Forests for Healthy Communities Act is a common sense package of solutions that represent an action plan for reversing the above described status quo and restore healthy forest management and timber production to both replace the need for continued SRS payments and reduce the risk of wildfire. The Committee has held legislative hearings on each of the proposals included in this package.

## ***Major Provisions of H.R. 1526***

### **Title I – Restoring our Commitment to Rural Counties and Schools.**

This title would enact the long-term solution that Congress had intended to achieve during the period of SRS payments by creating a dependable source of revenue through an increase in sustainable timber harvests. Title I would establish Forest Reserve Revenues Areas consisting of no less than 50 percent “commercial” timber lands capable of producing 20 cubic feet of timber per year (approximately 49 million acres across the National Forest System) and would require the Forest Service to produce an annual timber harvest requirement of no less than half the sustained yield of the Forest Reserve Revenue Area. In short, it provides that at least half of the timber that can be responsibly and sustainably harvested will be each year.

#### *Environmental Compliance*

NEPA Compliance – The Forest Service must complete an environmental assessment (EA) for any forest management project, providing that it is only required to study the action alternative, must complete the EA within 6 months, and cannot exceed 100 pages in length. The title also provides a categorical exclusion for projects in response to a catastrophic event (fire, weather, insect or disease outbreak), projects that implement a community wildfire protection plan, and projects of less than 10,000 acres.

ESA Compliance – The title authorizes the Forest Service to conduct a “non-jeopardy assessment” to justify why a proposed project will not jeopardize a listed species. The Forest Service will enter into required consultation if it determines that the project will jeopardize a listed species.

Administrative Review – The title subjects the program to the administrative review process provided under the Healthy Forests Restoration Act of 2003.

Judicial Review – The title subjects the program to the judicial review process provided under the Healthy Forests Restoration Act of 2003, except that plaintiffs are required to post a bond to cover the cost of litigation.

The expedited administrative and judicial review provisions of the Healthy Forests Restoration Act of 2003 require that those eligible for administrative review had to have submitted written comments on the project. A complainant can then seek judicial review only after exhausting administrative review and only on the issue raised during administrative review. Judicial review can only be brought in the United States district court for the district in which the project is located and places a 60-day limit on any injunction that may be imposed until the court completes its review (the court may renew an injunction).

#### *Timber revenues*

Revenues from management are treated as they would be under current law for distribution among Forest Service trust fund accounts and the 25% payment fund. Funding for

counties would essentially be converted back to the historical program, except that revenues would be increased by requiring greater timber harvest.

## **Title II – Healthy Forest Management and Catastrophic Wildfire Prevention.**

This title focuses specifically on hazardous fuels reduction to reduce the risk of wildfire and improve forest health. It directs the Secretary of Agriculture to implement hazardous fuels reduction and forest health projects on at-risk lands (defined by the legislation) as well as high-risk areas designated by the Governor of a State. The title also allows a state to propose hazardous fuel reduction or forest health projects to the Forest Service or Bureau of Land Management for implementation.

## **Title III – Oregon and California Railroad Grant Lands Trust, Conservation, and Jobs.**

The O&C Lands were originally granted from the public domain by the federal government to the Oregon and California Railroad Company to encourage development in Western Oregon. Those lands were revested back to the federal government in 1916. Later, the O&C Act of 1937 set aside approximately 2.4 million acres of forest land in 18 counties to be managed for sustainable timber harvests, and required 75 percent of receipts from those lands to be paid to the O&C counties. A later appropriations rider allowed for 25 percent of the receipts to be retained for management of the lands, bringing the counties' cost share down to 50 percent. The lands have since been managed by the Bureau of Land Management (BLM).

Timber harvests by the BLM have declined significantly since the listing of the Northern Spotted Owl that has similarly impacted lands managed by the Forest Service throughout the Pacific Northwest. Two decades of gridlock have prompted the O&C counties to develop the approach that would be implemented under this title that would allow for approximately 1.5 million acres of O&C Lands to be managed by the O&C counties as a financial "trust" with the resulting revenues distributed among the counties. The remaining O&C Lands would be transferred to the Forest Service to be managed with the agency's other lands in Western Oregon.

The Committee understands that this title would effectively negate the need for continued operation of the BLM in Western Oregon and therefore might impact employees in the region. The Committee expects the BLM, Forest Service, and O&C Trust to work accordingly to offer preference for these employees in job opportunities that will be created as a result of this legislation.

### *Subtitle A*

This subtitle establishes a Board of Trustees as the governing body for management of the O&C Lands and provides for the transfer of management responsibility for approximately 1.5 million acres of O&C Lands to the Board of Trustees for management. The lands would then be managed under state and federal laws as they would apply to private forest lands, with the revenues being retained and distributed to counties by the Board of Trustees.

Remaining O&C Lands would be transferred to the Forest Service to be managed in accordance with the Northwest Forest Plan that currently applies to other Forest Service lands within the habitat of the Northern Spotted Owl. The draft bill also requires the appointment of a scientific review panel to determine a definition for old growth forests that shall then be applied as yet another management restriction on the lands being managed by the Forest Service.

#### *Subtitle B*

This subtitle provides a similar management model for another set of revested railroad grant lands known as the Coos Bay Wagon Road lands that were reconveyed to the federal government in 1919. These lands would be managed by Coos County, Oregon, in accordance with the same principles applied to the Board of Trustees under subtitle A.

#### *Subtitle C*

This subtitle designates 88,620 acres of wilderness through the creation of the Devil's Staircase Wilderness (30,520 acres) and by adding to the existing Wild Rogue Wilderness Area (58,100 acres). In addition to designating 150 miles of streams under the Wild and Scenic Rivers Act, the bill would withdraw a quarter mile on each side of 47 miles of Rogue River tributaries from entry, appropriation, or disposal under the public land laws; location entry, and patent under the mining laws; and mineral and geothermal leasing. The quarter mile withdrawal on each side of these tributaries would cover approximately 15,000 additional acres of federal land.

#### *Subtitle D*

This subtitle conveys approximately 30,000 acres of BLM public domain lands to certain tribes in western Oregon to allow for forest management by the Cow Creek Band of the Umpqua Tribe and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw.

### **Title IV – Community Forest Demonstration.**

This title directs the Secretary of Agriculture to convey management authority over National Forest land as a "Community Forest Demonstration Area" to an Advisory Committee appointed by the Governor of a State. Management of the Community Forest Demonstration Area would be subject to state forest practices law and other federal laws only as they would apply to other state or privately-owned forest land. Overall, this title provides other counties the opportunity to manage a portion of National Forest land under the same model as the O&C Counties, and an alternative to Forest Service management under Title I.

The overall acreage that can be enrolled as Community Forest Demonstration Areas is set at two million acres nationwide but does not specify how many areas can be established. Also, a state must have a forest practices law that applies to state or private forest land to be eligible for designation as a Community Forest Demonstration Area.

## **Title V - Reauthorization and Amendment of Existing Authorities and other matters.**

This title provides for a short-term extension of SRS payments to provide funding to counties as the Forest Service (or counties under titles III and IV) transitions back to active management. Also, as part of the last long-term extension of SRS in 2008, language was included to amend the original 1908 law that required sharing 25 percent of timber revenues with counties to make the payment based on a 7-year rolling average of revenues, instead of simply the prior year's receipts. This was done to reduce the variability in payment levels once SRS expired and counties were back to getting 25 percent payments. However, since title I of the bill seeks to return to 25 percent payments – with a significant increase in timber harvests – the counties would not see any benefit from increased revenues for seven years. This title repeals that amendment to again make payments based on the prior fiscal year's revenue level. Counties have specifically requested this change.

This title also extends and expands two popular forest management authorities currently in use by the Forest Service and Bureau of Land Management – Good Neighbor and Stewardship Contracting – both of which expire in fiscal year 2013. Also, Good Neighbor authority currently applies only in Utah and Colorado. It allows the Forest Service and BLM to contract with a state forestry agency to conduct projects on federal lands. This title would expand this authority to all states.

Stewardship contracting authority allows the Forest Service and BLM to trade “goods for services” – i.e., trade timber in exchange for restoration work by a contractor. The authority expires in 2013. H.R. 1526 extends stewardship contract authority for the Forest Service and BLM through 2017 and also allows for contracts up to 20 years in length. The current authorization only allows for 10-year contract terms.

The Committee also understands that there is an outstanding issue regarding the implementation of stewardship contracts versus timber sales, and directs the Chief of the Forest Service to review and undertake draft rulemaking that would establish parity between the Small Business Administration (SBA) set-aside program for timber sales and the Stewardship Contracting Authority that is re-authorized in this bill for five years. The Chief of the Forest Service is also directed to review and address other issues, including the Structural Change Recomputations within the current SBA timber sale set-aside regulations, and ensure that the appraisal of any SBA set-aside timber sale or stewardship contract is to a SBA-qualified forest products manufacturing facility when advertised as a set-aside offering.

### **COMMITTEE ACTION**

H.R. 1526 was introduced on April 12, 2013, by Congressman Doc Hastings (R-WA). The bill was referred to the Committee on Agriculture, and additionally to the Committee on Natural Resources. Within that Committee, the bill was referred to the Subcommittee on Public Lands and Environmental Regulation. On April 11, 2013, the Subcommittee held a hearing on a draft version of the bill. On July 31, 2013, the full Natural Resources Committee met to consider H.R. 1526. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. Congressman Hastings offered an amendment in the nature of a

substitute (ANS) to the bill. Congressman Rob Bishop (R-UT) offered an amendment designated #1 to the ANS; the amendment was adopted by voice vote. Congressman Paul Gosar (R-AZ) offered an amendment designated .038 to the ANS; the amendment was adopted by voice vote. Congressman Steve Southerland (R-FL) offered an amendment designated .012 to the ANS; the amendment was adopted by voice vote. Congressman Steve Daines (R-MT) offered an amendment designated #2 to the ANS; the amendment was adopted by voice vote. Congressman Daines offered an amendment designated .010 to the ANS; the amendment was adopted by a bipartisan roll call vote of 24 to 14, as follows:

## Committee on Natural Resources

U.S. House of Representatives

113th Congress

Date: July 31, 2013

Recorded Vote #: 7

Meeting on / Amendment on: H.R. 1526 - DAINES\_010, Agreed to by a vote of 24 yeas and 14 nays

| MEMBERS                           | Yes | No | Pres | MEMBERS                    | Yes | No | Pres |
|-----------------------------------|-----|----|------|----------------------------|-----|----|------|
| <b>Mr. Hastings, WA, Chairman</b> | X   |    |      | <b>Mr. Duncan of SC</b>    | X   |    |      |
| <i>Mr. Defazio, OR, Ranking</i>   |     | X  |      | <i>Mr. Cardenas, CA</i>    |     | X  |      |
| <b>Mr. Young, AK</b>              |     |    |      | <b>Mr. Tipton, CO</b>      | X   |    |      |
| <i>Mr. Faleomavaega, AS</i>       |     |    |      | <i>Mr. Horsford, NV</i>    |     |    |      |
| <b>Mr. Gohmert, TX</b>            |     |    |      | <b>Mr. Gosar, AZ</b>       | X   |    |      |
| <i>Mr. Pallone, NJ</i>            |     | X  |      | <i>Mr. Huffman, CA</i>     |     | X  |      |
| <b>Mr. Bishop, UT</b>             | X   |    |      | <b>Mr. Labrador, ID</b>    | X   |    |      |
| <i>Mrs. Napolitano, CA</i>        |     | X  |      | <i>Mr. Ruiz, CA</i>        |     | X  |      |
| <b>Mr. Lamborn, CO</b>            | X   |    |      | <b>Mr. Southerland, FL</b> | X   |    |      |
| <i>Mr. Holt, NJ</i>               |     |    |      | <i>Ms. Shea-Porter, NH</i> |     | X  |      |
| <b>Mr. Wittman, VA</b>            | X   |    |      | <b>Mr. Flores, TX</b>      | X   |    |      |
| <i>Mr. Grijalva, AZ</i>           |     | X  |      | <i>Mr. Lowenthal, CA</i>   |     | X  |      |
| <b>Mr. Broun, GA</b>              | X   |    |      | <b>Mr. Runyan, NJ</b>      | X   |    |      |
| <i>Ms. Bordallo, GU</i>           |     | X  |      | <i>Mr. Garcia, FL</i>      |     | X  |      |
| <b>Mr. Fleming, LA</b>            | X   |    |      | <b>Mr. Amodei, NV</b>      |     |    |      |
| <i>Mr. Costa, CA</i>              | X   |    |      | <i>Mr. Cartwright, PA</i>  |     | X  |      |
| <b>Mr. McClintock, CA</b>         | X   |    |      | <b>Mr. Mullin, OK</b>      | X   |    |      |
| <i>Mr. Sablan, CNMI</i>           |     |    |      | <b>Mr. Stewart, UT</b>     | X   |    |      |
| <b>Mr. Thompson, PA</b>           | X   |    |      | <b>Mr. Daines, MT</b>      | X   |    |      |
| <i>Ms. Tsongas, MA</i>            |     |    |      | <b>Mr. Cramer, ND</b>      | X   |    |      |
| <b>Ms. Lummis, WY</b>             | X   |    |      | <b>Mr. LaMalfa, CA</b>     | X   |    |      |
| <i>Mr. Pierluisi, PR</i>          |     | X  |      | <b>Mr. Smith, MO</b>       | X   |    |      |
| <b>Mr. Benishek, MI</b>           | X   |    |      |                            |     |    |      |
| <i>Ms. Hanabusa, HI</i>           |     | X  |      |                            |     |    |      |
|                                   |     |    |      |                            |     |    |      |
|                                   |     |    |      | <b>TOTALS</b>              | 24  | 14 |      |

Congresswoman Grace Napolitano (D-CA) offered an amendment designated \_AM4 to the ANS; the amendment was not adopted by a bipartisan roll call vote of 14 to 24, as follows:

## Committee on Natural Resources

U.S. House of Representatives

113th Congress

Date: July 31, 2013

Recorded Vote #: 8

Meeting on / Amendment on: H.R. 1526 - NAPOLITANO\_AM4, Not agreed to by a vote of 14 yeas to 24 nays

| MEMBERS                           | Yes | No | Pres | MEMBERS                    | Yes | No | Pres |
|-----------------------------------|-----|----|------|----------------------------|-----|----|------|
| <b>Mr. Hastings, WA, Chairman</b> |     | X  |      | <b>Mr. Duncan of SC</b>    |     | X  |      |
| <i>Mr. Defazio, OR, Ranking</i>   | X   |    |      | <i>Mr. Cardenas, CA</i>    | X   |    |      |
| <b>Mr. Young, AK</b>              |     |    |      | <b>Mr. Tipton, CO</b>      |     | X  |      |
| <i>Mr. Faleomavaega, AS</i>       |     |    |      | <i>Mr. Horsford, NV</i>    |     |    |      |
| <b>Mr. Gohmert, TX</b>            |     |    |      | <b>Mr. Gosar, AZ</b>       |     | X  |      |
| <i>Mr. Pallone, NJ</i>            | X   |    |      | <i>Mr. Huffman, CA</i>     | X   |    |      |
| <b>Mr. Bishop, UT</b>             |     | X  |      | <b>Mr. Labrador, ID</b>    |     | X  |      |
| <i>Mrs. Napolitano, CA</i>        | X   |    |      | <i>Mr. Ruiz, CA</i>        | X   |    |      |
| <b>Mr. Lamborn, CO</b>            |     | X  |      | <b>Mr. Southerland, FL</b> |     | X  |      |
| <i>Mr. Holt, NJ</i>               |     |    |      | <i>Ms. Shea-Porter, NH</i> | X   |    |      |
| <b>Mr. Wittman, VA</b>            |     | X  |      | <b>Mr. Flores, TX</b>      |     | X  |      |
| <i>Mr. Grijalva, AZ</i>           | X   |    |      | <i>Mr. Lowenthal, CA</i>   | X   |    |      |
| <b>Mr. Broun, GA</b>              |     | X  |      | <b>Mr. Runyan, NJ</b>      |     | X  |      |
| <i>Ms. Bordallo, GU</i>           | X   |    |      | <i>Mr. Garcia, FL</i>      | X   |    |      |
| <b>Mr. Fleming, LA</b>            |     | X  |      | <b>Mr. Amodei, NV</b>      |     |    |      |
| <i>Mr. Costa, CA</i>              |     | X  |      | <i>Mr. Cartwright, PA</i>  | X   |    |      |
| <b>Mr. McClintock, CA</b>         |     | X  |      | <b>Mr. Mullin, OK</b>      |     | X  |      |
| <i>Mr. Sablan, CNMI</i>           |     |    |      | <b>Mr. Stewart, UT</b>     |     | X  |      |
| <b>Mr. Thompson, PA</b>           |     | X  |      | <b>Mr. Daines, MT</b>      |     | X  |      |
| <i>Ms. Tsongas, MA</i>            |     |    |      | <b>Mr. Cramer, ND</b>      |     | X  |      |
| <b>Ms. Lummis, WY</b>             |     | X  |      | <b>Mr. LaMalfa, CA</b>     |     | X  |      |
| <i>Mr. Pierluisi, PR</i>          | X   |    |      | <b>Mr. Smith, MO</b>       |     | X  |      |
| <b>Mr. Benishek, MI</b>           |     | X  |      |                            |     |    |      |
| <i>Ms. Hanabusa, HI</i>           | X   |    |      |                            |     |    |      |
|                                   |     |    |      |                            |     |    |      |
|                                   |     |    |      | <b>TOTALS</b>              | 14  | 24 |      |

Congressman Raul Grijalva (D-AZ) offered an amendment designated \_055 to the ANS; the amendment was not adopted by a roll call vote of 15 to 23, as follows:

## Committee on Natural Resources

U.S. House of Representatives

113th Congress

Date: July 31, 2013

Recorded Vote #: 9

Meeting on / Amendment on: H.R. 1526 - GRIJALVA\_055, Not agreed to by a vote of 15 yeas to 23 nays

| MEMBERS                           | Yes | No | Pres | MEMBERS                    | Yes | No | Pres |
|-----------------------------------|-----|----|------|----------------------------|-----|----|------|
| <b>Mr. Hastings, WA, Chairman</b> |     | X  |      | <b>Mr. Duncan of SC</b>    |     | X  |      |
| <i>Mr. Defazio, OR, Ranking</i>   | X   |    |      | <i>Mr. Cardenas, CA</i>    | X   |    |      |
| <b>Mr. Young, AK</b>              |     |    |      | <b>Mr. Tipton, CO</b>      |     | X  |      |
| <i>Mr. Faleomavaega, AS</i>       |     |    |      | <i>Mr. Horsford, NV</i>    |     |    |      |
| <b>Mr. Gohmert, TX</b>            |     |    |      | <b>Mr. Gosar, AZ</b>       |     | X  |      |
| <i>Mr. Pallone, NJ</i>            | X   |    |      | <i>Mr. Huffman, CA</i>     | X   |    |      |
| <b>Mr. Bishop, UT</b>             |     | X  |      | <b>Mr. Labrador, ID</b>    |     | X  |      |
| <i>Mrs. Napolitano, CA</i>        | X   |    |      | <i>Mr. Ruiz, CA</i>        | X   |    |      |
| <b>Mr. Lamborn, CO</b>            |     | X  |      | <b>Mr. Southerland, FL</b> |     | X  |      |
| <i>Mr. Holt, NJ</i>               |     |    |      | <i>Ms. Shea-Porter, NH</i> | X   |    |      |
| <b>Mr. Wittman, VA</b>            |     | X  |      | <b>Mr. Flores, TX</b>      |     | X  |      |
| <i>Mr. Grijalva, AZ</i>           | X   |    |      | <i>Mr. Lowenthal, CA</i>   | X   |    |      |
| <b>Mr. Broun, GA</b>              |     | X  |      | <b>Mr. Runyan, NJ</b>      |     | X  |      |
| <i>Ms. Bordallo, GU</i>           | X   |    |      | <i>Mr. Garcia, FL</i>      | X   |    |      |
| <b>Mr. Fleming, LA</b>            |     | X  |      | <b>Mr. Amodei, NV</b>      |     |    |      |
| <i>Mr. Costa, CA</i>              | X   |    |      | <i>Mr. Cartwright, PA</i>  | X   |    |      |
| <b>Mr. McClintock, CA</b>         |     | X  |      | <b>Mr. Mullin, OK</b>      |     | X  |      |
| <i>Mr. Sablan, CNMI</i>           |     |    |      | <b>Mr. Stewart, UT</b>     |     | X  |      |
| <b>Mr. Thompson, PA</b>           |     | X  |      | <b>Mr. Daines, MT</b>      |     | X  |      |
| <i>Ms. Tsongas, MA</i>            |     |    |      | <b>Mr. Cramer, ND</b>      |     | X  |      |
| <b>Ms. Lummis, WY</b>             |     | X  |      | <b>Mr. LaMalfa, CA</b>     |     | X  |      |
| <i>Mr. Pierluisi, PR</i>          | X   |    |      | <b>Mr. Smith, MO</b>       |     | X  |      |
| <b>Mr. Benishek, MI</b>           |     | X  |      |                            |     |    |      |
| <i>Ms. Hanabusa, HI</i>           | X   |    |      |                            |     |    |      |
|                                   |     |    |      |                            |     |    |      |
|                                   |     |    |      | <b>TOTALS</b>              | 15  | 23 |      |

Congressman Jared Huffman (D-CA) offered an amendment designated \_019 to the ANS; the amendment was not adopted by a roll call vote of 15 to 23, as follows:

**Committee on Natural Resources**

U.S. House of Representatives

113th Congress

Date: July 31, 2013

Recorded Vote #: 10

Meeting on / Amendment on: H.R. 1526 - HUFFMAN\_019, Not agreed to by a vote of 15 yeas to 23 nays

| <b>MEMBERS</b>                    | <b>Yes</b> | <b>No</b> | <b>Pres</b> | <b>MEMBERS</b>             | <b>Yes</b> | <b>No</b> | <b>Pres</b> |
|-----------------------------------|------------|-----------|-------------|----------------------------|------------|-----------|-------------|
| <b>Mr. Hastings, WA, Chairman</b> |            | X         |             | <b>Mr. Duncan of SC</b>    |            | X         |             |
| <i>Mr. Defazio, OR, Ranking</i>   | X          |           |             | <i>Mr. Cardenas, CA</i>    | X          |           |             |
| <b>Mr. Young, AK</b>              |            |           |             | <b>Mr. Tipton, CO</b>      |            | X         |             |
| <i>Mr. Faleomavaega, AS</i>       |            |           |             | <i>Mr. Horsford, NV</i>    |            |           |             |
| <b>Mr. Gohmert, TX</b>            |            |           |             | <b>Mr. Gosar, AZ</b>       |            | X         |             |
| <i>Mr. Pallone, NJ</i>            | X          |           |             | <i>Mr. Huffman, CA</i>     | X          |           |             |
| <b>Mr. Bishop, UT</b>             |            | X         |             | <b>Mr. Labrador, ID</b>    |            | X         |             |
| <i>Mrs. Napolitano, CA</i>        | X          |           |             | <i>Mr. Ruiz, CA</i>        | X          |           |             |
| <b>Mr. Lamborn, CO</b>            |            | X         |             | <b>Mr. Southerland, FL</b> |            | X         |             |
| <i>Mr. Holt, NJ</i>               |            |           |             | <i>Ms. Shea-Porter, NH</i> | X          |           |             |
| <b>Mr. Wittman, VA</b>            |            | X         |             | <b>Mr. Flores, TX</b>      |            | X         |             |
| <i>Mr. Grijalva, AZ</i>           | X          |           |             | <i>Mr. Lowenthal, CA</i>   | X          |           |             |
| <b>Mr. Broun, GA</b>              |            | X         |             | <b>Mr. Runyan, NJ</b>      |            | X         |             |
| <i>Ms. Bordallo, GU</i>           | X          |           |             | <i>Mr. Garcia, FL</i>      | X          |           |             |
| <b>Mr. Fleming, LA</b>            |            | X         |             | <b>Mr. Amodei, NV</b>      |            |           |             |
| <i>Mr. Costa, CA</i>              | X          |           |             | <i>Mr. Cartwright, PA</i>  | X          |           |             |
| <b>Mr. McClintock, CA</b>         |            | X         |             | <b>Mr. Mullin, OK</b>      |            | X         |             |
| <i>Mr. Sablan, CNMI</i>           |            |           |             | <b>Mr. Stewart, UT</b>     |            | X         |             |
| <b>Mr. Thompson, PA</b>           |            | X         |             | <b>Mr. Daines, MT</b>      |            | X         |             |
| <i>Ms. Tsongas, MA</i>            |            |           |             | <b>Mr. Cramer, ND</b>      |            | X         |             |
| <b>Ms. Lummis, WY</b>             |            | X         |             | <b>Mr. LaMalfa, CA</b>     |            | X         |             |
| <i>Mr. Pierluisi, PR</i>          | X          |           |             | <b>Mr. Smith, MO</b>       |            | X         |             |
| <b>Mr. Benishek, MI</b>           |            | X         |             |                            |            |           |             |
| <i>Ms. Hanabusa, HI</i>           | X          |           |             |                            |            |           |             |
|                                   |            |           |             |                            |            |           |             |
|                                   |            |           |             | <b>TOTALS</b>              | 15         | 23        |             |

The amendment in the nature of a substitute offered by Congressman Hastings, as amended, was then adopted by voice vote. No further amendments were offered, and the bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by voice vote.

## **SECTION-BY-SECTION ANALYSIS**

### **Title I – Restoring the Commitment to Rural Counties and Schools.**

*Section 101. Purposes.*

*Section 102. Definitions.*

*Section 103. Establishment of Forest Reserve Revenue Areas and Annual Volume Requirements.*

This section establishes Forest Reserve Revenues Areas consisting of no less than half all “commercial” timber lands capable of producing 20 cubic feet of timber per year. It is estimated that these areas would cover approximately 49 million acres, or only a quarter of the entire National Forest System. The section also requires the Forest Service to produce an annual volume requirement of no less than half the sustained yield of the Forest Reserve Revenue Area.

*Section 104. Management of Forest Reserve Revenue Areas.*

The Forest Service must complete an environmental assessment (EA) for any forest management project, but is only required to study the action alternative and must complete the EA within 6 months and the document cannot exceed 100 pages in length. The section provides a categorical exclusion from the National Environmental Policy Act for projects in response to a catastrophic event (fire, weather, insect or disease outbreak), projects that implement a community wildfire protection plan, and projects less than 10,000 acres.

This section authorizes the Forest Service to conduct a “non-jeopardy assessment” to determine whether a project will jeopardize a listed species. The Forest Service is only required to enter into consultation if it determines that the project will jeopardize a listed species.

*Section 105. Distribution of Forest Reserve Revenues.*

This section requires that revenues from management are treated as they would be under current law for distribution among Forest Service trust fund accounts and the 25% fund.

### **Title II – Healthy Forest Management and Catastrophic Wildfire Prevention.**

*Section 201. Purposes.*

*Section 202. Definitions.*

*Section 203. Hazardous Fuel Reduction Projects and Forest Health Projects in At-Risk Forests.*

This section authorizes the Secretary of Agriculture or the Secretary of the Interior to conduct hazardous fuels or forest health projects in at-risk forests. Projects can include livestock grazing or timber harvest activities to reduce fuels and improve forest health.

*Section 204. Environmental Analysis.*

This section applies the environmental analysis, as well as the administrative and judicial review procedures established under section 104, to hazardous fuel reduction and forest health projects implemented under this title.

*Section 205. State Designation of High-Risk Areas of National Forest System and Public Lands.*

This section authorizes the Governor of a State to designate high-risk areas on federal lands that the Governor believes present the risk of devastating wildfires or insect and disease outbreaks.

*Section 206. Use of Hazardous Fuels Reduction or Forest Health Projects for High-Risk Areas.*

This section authorizes the Governor of a State to submit hazardous fuels reduction and forest health projects within a high-risk area for implementation by the Secretaries of Agriculture or the Interior. The Secretaries are instructed under section 203 to give priority to projects submitted by a state. An amendment adopted during markup of this legislation added projects submitted under the Tribal Forest Protection Act to those given priority for implementation.

**Title III – Oregon and California Railroad Grant Lands Trust, Conservation, and Jobs.**

*Section 301. Short title.*

This section designates the short title of Title III as the O&C Trust, Conservation, and Jobs Act.

*Section 302. Definitions.*

**Subtitle A – Trust, Conservation, and Jobs.**

**Chapter 1 – Creation and Terms of O&C Trust.**

*Section 311. Creation of O&C Trust and Designation of O&C Trust Lands.*

This section designates approximately 1.6 million acres of Oregon and California Grant lands, currently managed by the Bureau of Land Management, as the O&C Trust. The remaining acres – approximately 1.1 million acres – would be conveyed to the U.S. Forest Service.

*Section 312. Legal Effect of O&C Trust and Judicial Review.*

This section clarifies that the United States retains all rights, title, and interest to the lands designated as the O&C Trust, except that the Board of Trustees has management authority over the surface estate. Judicial review of this title can only be sought in the U.S. Court of Appeals for the District of Columbia Circuit, and any suit must be filed within 60 days after the date of enactment of this Act.

*Section 313. Board of Trustees.*

This section describes the composition and protocols of the Board of Trustees for the O&C Trust.

*Section 314. Management of O&C Trust Lands.*

This section describes how the O&C lands are to be managed, including timber sales plans, stand rotation, competitive bidding, sale terms, riparian area management, and fire protection. O&C Trust lands are managed in compliance with all applicable federal and state laws in the same way they apply to private forest lands in Oregon.

*Section 315. Distribution of Revenues from O&C Trust Lands.*

This section specifies that revenues produced by the Board of Trustees from the O&C Trust shall be distributed to the O&C counties in proportion to the O&C lands that each county contains. This is consistent with how payments from the federal government under the O&C Act of 1937 and SRS are determined for O&C counties.

*Section 316. Land Exchange Authority.*

This section authorizes the Board of Trustees to negotiate land exchanges to consolidate lands within the O&C Trust. All land exchanges are subject to approval by the Secretary of Agriculture or the Secretary of the Interior, as applicable.

*Section 317. Payments to the United States Treasury.*

This section requires the O&C Trust to make payments to the federal government in lieu of receipts that otherwise would come from continued management by the BLM and paid to the O&C counties from the Treasury.

**Chapter 2 – Transfer of Certain Lands to Forest Service.**

*Section 321. Transfer of Certain Oregon and California Railroad Grant Lands to Forest Service.*

This section transfers the O&C Railroad Grant lands that are not included in the O&C Trust to the U.S. Forest Service.

*Section 322. Management of Transferred Lands by Forest Service.*

This section requires that lands transferred to the Forest Service continue to be managed under the Northwest Forest Plan.

*Section 323. Management Efficiencies and Expedited Land Exchanges.*

This section authorizes the Secretary of Agriculture to approve land exchanges that improve management of the lands transferred to the Forest Service under this title.

*Section 324. Review Panel and Old Growth Protection.*

This section requires the Secretary of Agriculture to appoint a review panel responsible for defining old growth within the area encompassed by the Oregon and California Railroad Grant lands.

*Section 325. Uniqueness of Old Growth Protection on Oregon and California Railroad Grant Lands.*

This section clarifies that all references to “old growth” are intended to resolve unique management issues on the formerly Oregon and California Railroad Grant lands only.

**Chapter 3 – Transition.**

*Section 331. Transition Period and Operations.*

This section establishes a three-year transition period to facilitate the activities of the Board of Trustees, the Forest Service, and the BLM.

*Section 332. O&C Trust Management Capitalization.*

This section authorizes the Board of Trustees to borrow from any available non-federal sources to provide for the initial management costs of the O&C Trust. It also authorizes the O&C counties to loan funds to the O&C Trust.

*Section 333. Existing Bureau of Land Management and Forest Service contracts.*

This section requires that any work or timber contracts sold or awarded by the BLM and Forest Service before the transfer of lands to remain binding and effective.

*Section 334. Protection of Valid Existing Rights and Access to Non-Federal Land.*

This section upholds all valid and existing rights on the Oregon and California Railroad Grant lands, including, but not limited to: permits, patents, rights of access, right-of-ways, tail holds, and easement obligations. The section also provides judicial review for decisions from the Board of Trustees that might impact access for private landowners.

*Section 335. Repeal of Superseded Law Relating to Oregon and California Railroad Grant Lands.*

This section repeals the O&C Act of 1937 unless any provision of this title is ruled legally invalid, in which the O&C Act of 1937 would be reinstated.

**Subtitle B – Coos Bay Wagon Roads.**

*Section 341. Transfer of Management Authority Over Certain Coos Bay Wagon Road Grant Lands to Coos County, Oregon.*

This section transfers management authority of timber stands on the Coos Bay Wagon Road lands to Coos County, Oregon, to be managed consistently with the provisions applied to the O&C Trust.

*Section 342. Transfer of Certain Coos Bay Wagon Road Grant Lands to Forest Service.*

This section transfers all remaining Coos Bay Wagon Road Grant lands to the Forest Service to be managed in accordance with the Northwest Forest Plan.

*Section 343. Land Exchange Authority.*

This section authorizes land exchanges in accordance with section 316.

**Subtitle C – Oregon Treasures.**

**Chapter 1 – Wilderness Areas.**

*Section 351. Designation of Devil's Staircase Wilderness.*

This section designates 30,520 acres as wilderness to be administered by the Forest Service.

*Section 352. Expansion of Wild Rogue Wilderness Area.*

This section adds 58,100 acres to the existing Wild Rogue Wilderness Area to be administered by the Forest Service.

**Chapter 2 – Wild and Scenic River Designated and Related Protections.**

*Section 361. Wild and Scenic River Designations, Molalla River.*

This section designates 15.1 miles of the Molalla River and 6.2 miles of the Table Rock Fork of the Molalla River as “scenic” under the Wild and Scenic Rivers Act.

*Section 362. Wild and Scenic Rivers Act Technical Corrections Related to Chetco River.*

This section reclassifies 2 miles of the Chetco River from “scenic” to “wild” and extends the “scenic” segment 1.5 miles downstream. The section also withdraws 11 miles of “scenic” and “recreational” segments of the Chetco River from mineral entry subject to valid existing rights.

*Section 363. Wild and Scenic River Designations, Wasson Creek and Franklin Creek.*

This section designates 4.5 miles of Franklin Creek and 10.1 miles of Wasson Creek as “wild” under the Wild and Scenic Rivers Act.

*Section 364. Wild and Scenic River Designations, Rogue River Area.*

This section designates 93 miles of 35 tributaries to the Rogue River as either “wild,” “scenic,” or “recreational” under the Wild and Scenic Rivers Act.

*Section 365. Additional Protections for Rogue River Tributaries.*

This section prohibits the Federal Energy Regulatory Commission from licensing water projects on 19 tributaries of the Rogue River and withdraws the tributaries from mineral entry, subject to valid existing rights.

**Chapter 3 – Additional Protections.**

*Section 371. Limitations on Land Acquisition.*

This section specifies that no non-federal land may be acquired within the areas designated by this subtitle without the written consent of the land owner.

*Section 372. Overflights.*

This section specifies that nothing in the subtitle shall affect military overflights.

*Section 373. Buffer Zones.*

This section specifies that no activities outside the areas designated by this subtitle shall be impacted simply because they can be seen or heard from within the areas designated.

*Section 374. Prevention of Wildfires.*

This section specifies that the designation of areas under this subtitle shall not impact the ability of the Forest Service or BLM to use mechanized equipment for the suppression or prevention of wildfire.

*Section 375. Limitation on Designation of Certain Lands in Oregon.*

This section prohibits designation of the formerly Oregon and California Railroad Grant lands as a National Monument without approval by an Act of Congress.

**Chapter 4 – Effective Date.**

*Section 381. Effective date.*

This section sets the enactment date of all the designations under this subtitle for October 1<sup>st</sup> of the second fiscal year of the transition period to coincide with the transfer of the Oregon and California Railroad Grant lands to the O&C Trust and Forest Service. The section also ensures that if any provision of this title is rule legally invalid, all designations shall no force or effect.

**Subtitle D – Tribal Trust Lands.**

**Part 1 – Council Creek Land Conveyance.**

*Section 391. Definitions.*

*Section 392. Conveyance.*

This section conveys approximately 17,000 acres to the Cow Creek Band of Umpqua Tribe of Indians to be held in trust for the benefit of the Tribe.

*Section 393. Map and Legal Description.*

This section requires the Secretary of the Interior to file a map of the land conveyed under this part.

*Section 394. Administration.*

This section specifies how the lands conveyed under this part are to be managed. It prohibits export of unprocessed logs and also clarifies that the lands conveyed shall be managed in accordance with all applicable federal laws.

**Part 2 – Oregon Coastal Land Conveyance.**

*Section 395. Definitions.*

*Section 396. Conveyance.*

This section conveys approximately 15,000 acres to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, to be held in trust for the benefit of the Tribe.

*Section 397. Map and Legal Description.*

This section requires the Secretary of the Interior to file a map of the land conveyed under this part.

*Section 398. Administration.*

This section specifies how the lands conveyed under this part are to be managed. It prohibits export of unprocessed logs and also clarifies that the lands conveyed shall be managed in accordance with all applicable federal laws.

**Title IV – Community Forest Management Demonstration.**

*Section 401. Purpose and Definitions.*

This section clarifies that the purpose of this title is to generate dependable economic activity for counties and local governments by establishing a demonstration program for local, sustainable forest management.

*Section 402. Establishment of Community Forest Demonstration Areas.*

This section requires that the Secretary of Agriculture establish community forest demonstration areas no later than one year after the date of enactment of this Act. The establishment of a community forest demonstration area is subject to: an advisory committee being appointed by the Governor of a State; the advisory committee requesting a community forest demonstration area; and the state in which the area is established has a forest practices law applicable to state or privately-owned forest land.

This section also specifies that no more than two million acres of the National Forest System may be established as community forest demonstration areas, and that the establishment of an area recognizes valid existing rights, including right of any federally recognized Indian tribe.

*Section 403. Advisory Committee.*

This section describes the composition and protocols of the advisory committee for a community forest demonstration area.

*Section 404. Management of Community Forest Demonstration Areas.*

This section specifies how a community forest demonstration area is to be managed. The advisory committee is required to manage the area in accordance with all applicable state and federal laws only as they would apply to other state or privately-owned forest lands in the state. The advisory committee is also required to consult with tribes and collaborative groups.

*Section 405. Distribution of Funds from Community Forest Demonstration Area.*

This section requires the advisory committee to distribute funds generated from the community forest demonstration area to each county within the area in proportion to the amount of the community forest demonstration area within that county. The advisory committee is also authorized to retain funds to cover management costs.

*Section 406. Initial Funding Authority.*

This section authorizes the advisory committee to seek non-federal funds for the management of the community forest demonstration area. The section also authorizes counties to provide funds to the advisory committee.

*Section 407. Payments to United States Treasury.*

This section requires the advisory committee to make payments to the federal government in lieu of receipts that otherwise would come from continued management by the Forest Service and paid to counties from the Treasury.

*Section 408. Termination of Community Forest Demonstration Area.*

This section specifies the process for terminating the community forest demonstration area. Termination must be by unanimous consent of the advisory committee and approved by the Governor of the State in which the area is located. The Forest Service immediately resumes management of any area terminated.

**Title V – Reauthorization and Amendment of Existing Authorities and Other Matters.**

*Section 501. Extension of Secure Rural Schools and Community Self-Determination Act of 2000 Pending Full Operation of Forest Reserve Revenue Areas.*

This section provides for a one-year extension of Secure Rural Schools payments until counties can benefit from increased forest management implemented by this legislation.

*Section 502. Restoring Original Calculation Method for 25-percent Payments.*

This section replaces the 7-year rolling average for calculation of 25 percent payments and goes back to the original formula of basing payments on the prior year's receipts to ensure that counties see immediate benefit from this legislation.

*Section 503. Forest Service and Bureau of Land Management Good-Neighbor Cooperation with State to Reduce Wildfire Risks.*

The section expands and makes permanent existing authority – commonly referred to as “Good Neighbor Authority” – to allow the Forest Service and BLM to enter into cooperative

agreements with States for hazardous fuels reduction on federal land. Good Neighbor authority was first enacted as part of the Department of the Interior and Related Agencies Appropriations Act of 2001 to allow the Forest Service to enter into cooperative agreements with the Colorado State Forest Service. Later appropriations riders expanded the authority to the BLM and also included the State of Utah. The current authorities for the two states expire on September 30, 2013.

*Section 504. Stewardship End Result Contracting Project Authority.*

This section extends the agencies' authority to enter into stewardship contracts through 2017. Stewardship contracting was first enacted as a pilot program in the Fiscal Year 1999 Omnibus Appropriations Act and later extended through September 30, 2013. Stewardship contracts allow the Forest Service or BLM to exchange goods for services as opposed to traditional timber sales whereby the agency can use timber value to pay for restoration and thinning activities.

An amendment offered by Representative Paul Gosar (R-AZ) was adopted during markup of the bill to improve the use of large-scale stewardship contracting by including language to provide greater flexibility in obligating funds for the contract cancellation ceiling, and to make fire liability for stewardship contract identical to that which is currently required for conventional timber sales.

*Section 505. Clarification of National Forest Management Act of 1976 Authority.*

This section clarifies that the Forest Service is authorized to allow designation of areas to be harvested by description or prescription. This is intended to improve efficiency and management of management activities by not requiring marking of individual trees.

*Section 506. Treatment as Supplemental Funding.*

This section clarifies that funds made available to counties under this legislation shall not be used by a state to offset funding that the state otherwise would pay to local counties.

*Section 507. Exception of Certain Rorest Projects and Activities from Appeals Reform Act and Other Review.*

This section was included as an amendment offered by Congressman Steve Daines (R-MT) and adopted during markup of the bill. This language would clarify that the use of categorical exclusions under the National Environmental Policy Act are not subject to the notice, comment, and appeals provisions of the Appeals Reform Act.

## **COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS**

Regarding clause 2(b)(1) of Rule X and clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

## COMPLIANCE WITH HOUSE RULE XIII

**1. Cost of Legislation.** Clause 3(d)(1) of Rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:



CONGRESSIONAL BUDGET OFFICE  
COST ESTIMATE

September 17, 2013

**H.R. 1526**  
**Restoring Healthy Forests for Healthy Communities Act**

*As ordered reported by the House Committee on Natural Resources  
on July 31, 2013*

**SUMMARY**

H.R. 1526 would substantially increase the amount of timber harvested on federal lands. The bill also would require the Secretaries of Agriculture and the Interior to make payments in 2014 to certain counties that contain federal lands. Finally, the bill would authorize the Forest Service and the Bureau of Land Management (BLM) to enter into contracts with non-federal entities to carry out activities related to forest management.

Based on information provided by the affected agencies, CBO estimates that enacting the legislation would increase direct spending by \$376 million in 2014 and by \$86 million over the 2014-2018 period, but would reduce direct spending by \$269 million over the 2014-2023 period. Because the bill would affect direct spending, pay-as-you-go procedures apply.

In addition, CBO expects that implementing H.R. 1526 would increase discretionary spending for certain Forest Service activities and reduce discretionary spending for certain BLM activities. Based on information from those agencies, CBO estimates that the change in net discretionary spending would not be significant, assuming appropriation actions consistent with the purposes of the bill. Enacting the legislation would not affect revenues.

H.R. 1526 would impose intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), on plaintiffs, including public and private entities, seeking judicial review of some activities on federal lands. CBO estimates that the cost of the mandates would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$75 million and \$150 million in 2013, respectively, adjusted annually for inflation).

## ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 1526 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

|  | By Fiscal Year, in Millions of Dollars |      |      |      |      |      |      |      |      |      |      | 2014-  | 2014- |  |
|--|--|------|------|------|------|------|------|------|------|------|------|--------|-------|--|
|  | 2014                                   | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2018 | 2023   |       |  |
| <b>CHANGES IN DIRECT SPENDING</b>            |  |      |      |      |      |      |      |      |      |      |      |        |       |  |
| <b>Additional Timber Receipts</b>            |  |      |      |      |      |      |      |      |      |      |      |        |       |  |
| Estimated Budget Authority                   | 0                                      | -58  | -116 | -175 | -233 | -291 | -294 | -297 | -300 | -303 | -582 | -2,068 |       |  |
| Estimated Outlays                            | 0                                      | -58  | -116 | -175 | -233 | -291 | -294 | -297 | -300 | -303 | -582 | -2,068 |       |  |
| <b>Mandatory Spending of Timber Proceeds</b> |  |      |      |      |      |      |      |      |      |      |      |        |       |  |
| Estimated Budget Authority                   | 0                                      | 2    | 48   | 94   | 141  | 190  | 238  | 244  | 249  | 259  | 285  | 1,465  |       |  |
| Estimated Outlays                            | 0                                      | 2    | 48   | 94   | 141  | 190  | 238  | 244  | 249  | 259  | 285  | 1,465  |       |  |
| <b>Direct Payments to Counties</b>           |  |      |      |      |      |      |      |      |      |      |      |        |       |  |
| Estimated Budget Authority                   | 375                                    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 375  | 375    |       |  |
| Estimated Outlays                            | 375                                    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 375  | 375    |       |  |
| <b>Demonstration Projects</b>                |  |      |      |      |      |      |      |      |      |      |      |        |       |  |
| Estimated Budget Authority                   | 0                                      | -4   | -5   | -6   | -7   | -8   | -9   | -9   | -9   | -9   | -21  | -64    |       |  |
| Estimated Outlays                            | 0                                      | -4   | -5   | -6   | -7   | -8   | -9   | -9   | -9   | -9   | -21  | -64    |       |  |
| <b>Receipts from BLM Lands</b>               |  |      |      |      |      |      |      |      |      |      |      |        |       |  |
| Estimated Budget Authority                   | 0                                      | 9    | 9    | 9    | -1   | -1   | -1   | -1   | -1   | -1   | 25   | 19     |       |  |
| Estimated Outlays                            | 0                                      | 9    | 9    | 9    | -1   | -1   | -1   | -1   | -1   | -1   | 25   | 19     |       |  |
| <b>Stewardship Contracting</b>               |  |      |      |      |      |      |      |      |      |      |      |        |       |  |
| Estimated Budget Authority                   | 1                                      | 1    | 1    | 1    | 0    | 0    | 0    | 0    | 0    | 0    | 4    | 4      |       |  |
| Estimated Outlays                            | 1                                      | 1    | 1    | 1    | 0    | 0    | 0    | 0    | 0    | 0    | 4    | 4      |       |  |
| <b>Total Changes</b>                         |  |      |      |      |      |      |      |      |      |      |      |        |       |  |
| Estimated Budget Authority                   | 376                                    | -50  | -63  | -77  | -100 | -111 | -66  | -63  | -61  | -53  | 86   | -269   |       |  |
| Estimated Outlays                            | 376                                    | -50  | -63  | -77  | -100 | -111 | -66  | -63  | -61  | -53  | 86   | -269   |       |  |

Notes: Components may not sum to totals because of rounding.

BLM = Bureau of Land Management.

## BASIS OF ESTIMATE

For this estimate, CBO assumes that the legislation will be enacted near the end of 2013.

## Direct Spending

The largest budgetary effects of H.R. 1526 would stem mostly from provisions that would increase receipts from timber sales, and spending associated with those receipts, over the 2015-2023 period—for net budgetary savings of about \$600 million over that period—and would increase federal payments by \$375 million to certain counties in 2014. Other provisions in the bill would reduce direct spending by \$41 million over the 2014-2023 period.

**Additional Timber Receipts.** Title I would require the Forest Service to significantly increase the volume of timber it offers for sale each year. CBO estimates that, under the bill, offsetting receipts from timber sales would increase by about \$2.1 billion over the 2015-2023 period. The Forest Service is authorized under current law to retain and spend a portion of those proceeds to carry out reforestation activities and conduct salvage sales of timber. (Salvage timber sales are generally designed to remove diseased, insect-infested dead, damaged, or downed trees.) In addition, the Forest Service is required to pay 25 percent of the proceeds from timber sales to counties where timber is harvested. Additional spending for those purposes would total \$1.5 billion over 10 years. On net, CBO estimates that enacting Title I would reduce outlays by about \$600 million over the 2015-2023 period.

The amount of receipts the Forest Service would generate under title I could vary significantly from CBO's estimate depending on the type of timber the agency would offer for sale, the location of that timber, and the methods it would allow firms to use to harvest it. The Forest Service's ability to increase the amount of timber it offers for sale under the bill would also be affected by the extent to which outside groups opposed the agency's actions. Finally, the amount of timber sold and the price paid for that timber would depend on the decisions of firms in the timber industry.

*Timber Volume Requirement.* H.R. 1526 would require the Forest Service to offer for sale a volume of timber equal to one-half of the sustainable yield of the National Forest System. The sustainable yield is the amount of timber extracted from a forest that can be replaced by new growth. Based on information provided by the Forest Service, CBO expects that, under the bill, the agency would be required to offer roughly six billion board feet (BBF) of timber for sale each year. By comparison, the agency sold an average of 2.5 BBF of timber a year over the past five years.

CBO expects that provisions of the bill would enable the Forest Service to significantly increase the amount of timber it sells annually. In particular, the legislation would expedite the environmental assessment and judicial review processes for timber sales. The bill also would require any person or entity seeking to challenge a timber sale to post a bond equal to the amount the Forest Service would spend on associated court proceedings. CBO expects that those provisions would reduce the amount of time

required for the agency to conduct individual timber sales and deter some parties from challenging the legality of those sales.

But CBO also expects that other factors could impede the ability of the Forest Service to sell the amount of timber required under H.R. 1526:

- Based on information provided by the agency, CBO expects that sawmilling capacity may constrain the amount of timber purchased in certain regions of the United States in the first few years after the bill's enactment.
- In addition, because the Forest Service would need to change the types and amounts of timber products it sells and increase the number of sales it conducts each year, we expect that it would take a few years for the agency to implement new procedures.
- Finally, although the bill would make it more difficult for parties to challenge the legality of timber sales, CBO expects that the Forest Service would face more legal challenges to timber sales under the bill than under current law, particularly in the Pacific Northwest, where timber harvesting may threaten certain endangered species.

On balance, CBO estimates that the Forest Service would eventually increase the volume of timber it offers for sale each year to more than five billion board feet—about 90 percent of the total volume required under the bill—by 2023. That amount would be more than double the average annual amount of timber sold over the past five years. Because CBO expects that it would take time for the Forest Service to develop new procedures and ramp up sales, and that firms in the timber industry would need time to adjust to those changes, we expect that the increase in sales would occur gradually over the 2015-2023 period.

*Timber Products and Values.* Information provided by the Forest Service indicates that over the 2008-2012 period, saw timber (trees large enough to be made into planks and boards) accounted for roughly 60 percent of the volume of timber products sold by the agency; products with significantly lower values, such as pulpwood and firewood, accounted for the remaining 40 percent. Over that period, the value of timber products sold by Forest Service averaged about \$60 per thousand board feet (MBF). By comparison, CBO estimates that the average value of timber products harvested from state and private lands, where saw timber comprises a larger portion of the total volume of timber sold, sold for \$100 to \$250 per thousand board feet over the same period. Those comparisons are based on information provided by the Forest Service and data about the value of timber products harvested from state lands.

CBO expects that, under H.R. 1526, the Forest Service would continue to sell roughly the same amount of low-value timber products as it does under current law. Thus, we believe that the agency would need to significantly increase the amount of saw timber it sells in order to meet the volume requirement established in the bill. Because we expect that the Forest Service would increase the amount of saw timber harvested in all regions of the United States, including a significant increase in the amount harvested in the Pacific Northwest, where saw timber values are very high, we estimate that the value of additional saw timber sold under the bill would average between \$100 and \$150 per MBF. CBO expects that those prices would probably be less than the value of similar timber harvested from state and private lands because, in general, timber harvesters operating on state and private lands would face fewer of the impediments that tend to increase the cost of extracting timber.

**Mandatory Spending of Proceeds from Timber Sales.** Under current law, the Forest Service has the authority to retain and spend a portion of the proceeds from timber sales to carry out reforestation activities and to conduct sales of salvage timber. Over the past five years, the agency retained roughly 50 percent of the available proceeds for those purposes. CBO anticipates that, under the bill, the amount of timber harvested from Forest Service lands would significantly increase and that the agency would allow timber producers to use methods to extract timber that would increase the cost of reforestation activities. Consequently, we expect that the Forest Service would increase the portion of timber proceeds it retains for reforestation by 5 percent to 10 percent over the next 10 years. Based on information from the Forest Service, CBO estimates that enacting H.R. 1526 would increase the amount of timber proceeds retained and spent by the agency by about \$1 billion over the 2015-2023 period.

Pursuant to a law known as the Act of May 23, 1908, the Forest Service is required to make annual payments to counties equal to 25 percent of the proceeds from lands administered by the agency in those counties. CBO estimates that, under the bill, the increase in required payments would range from about \$15 million in 2015 to about \$75 million in 2023. However, CBO estimates that those payments would be reduced by roughly 7 percent each year (until 2022) under the Budget Control Act of 2011.<sup>1</sup> On net, CBO estimates that enacting H.R. 1526 would increase payments to counties, relative to current law, by \$430 million over the 2015-2023 period.

**Direct Payments to Counties.** Title V would require the Secretaries of Agriculture and the Interior to make direct payments to certain counties in 2014. The amount of those payments would equal the amount distributed for 2010 to the affected counties under the Secure Rural Schools and Community Self-Determination Act of 2000. CBO estimates that the required payments would total \$405 million; however, CBO estimates that those payments would be reduced by roughly 7 percent under the sequestration provisions of

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1. The Budget Control Act of 2011 requires a sequestration (that is, a reduction in spending) for certain expenditures over the 2013-2021 period.

the Budget Control Act of 2011. On net, CBO estimates that enacting this provision would increase direct spending by \$375 million in 2014.

**Demonstration Projects.** Title IV would require the Secretary of Agriculture to establish up to 10 areas consisting of at least 200,000 acres of land within the National Forest System to conduct community demonstration projects. Under the bill, governors would appoint advisory boards to manage those areas. The boards would collect all proceeds generated from activities within those areas and would be required to make payments to the federal government based on the amount of annual receipts generated by the surrounding national forest lands over the previous 10 years. Any proceeds remaining after those payments are made would be used by the boards to cover the costs of administering the demonstration areas and distributed to counties where the areas are located.

CBO expects that most of the demonstration areas would be located in the western United States. Based on information regarding the amount of receipts generated per acre of national forest land in those states, CBO estimates that the advisory boards would increase annual payments to the federal government by \$4 million in 2015, rising to \$9 million in 2023. In total, CBO estimates that implementing title IV would increase offsetting receipts by \$64 million over the 2015-2023 period.

**Receipts from BLM Lands.** Title III would require BLM to transfer management authority over 1.3 million acres of federal lands to the state of Oregon and Coos County. Beginning in 2015, those governments would retain any proceeds generated on the affected lands. Because CBO expects that, under current law, BLM would collect receipts totaling \$9 million a year over the 2015-2017 period, we estimate that enacting the transfer provision would reduce offsetting receipts by \$27 million over that three-year period.

Title III also would require the state of Oregon and Coos County to make payments to the federal government totaling \$10.4 million a year over the 2018-2023 period. Those payments would increase offsetting receipts relative to current law by \$1 million a year over the 2018-2023 period. All told, CBO estimates that enacting the provisions of title III would reduce offsetting receipts by \$19 million over the 2015-2023 period.

**Stewardship Contracting.** Title V would authorize the Forest Service to enter into special contracts known as stewardship contracts through 2017. Under such contracts, the Forest Service and DOI use timber resources owned by the government in lieu of cash to compensate firms that provide certain services related to forest management. Under current law, the authority to enter into stewardship contracts expires at the end of 2013. Because CBO expects that some of the timber that would be used as compensation under stewardship contracts would be sold under current law, we estimate that enacting this provision would reduce offsetting receipts by \$1 million a year over the 2014-2017 period.

## Spending Subject to Appropriation

CBO estimates that implementing H.R. 1526 would have no significant net impact on discretionary spending. Title I would require the Forest Service to substantially increase the amount of timber it offers for sale each year. Because CBO expects that implementing that provision would increase the workload of the agency, particularly in regions where significant volumes of timber are harvested, we estimate that implementing that title would increase discretionary spending over the 2014-2018 period.

However, title III would require BLM to transfer management authority over 1.4 million acres of federal land to the state of Oregon and local governments. Over the 2009-2013 period, CBO estimates that the agency received appropriations averaging about \$60 million a year to manage those lands. Because the bill would reduce the amount of land administered by the federal government in Oregon, we estimate that implementing title III would reduce discretionary spending over the 2014-2018 period.

Considering those changes, CBO estimates that implementing the bill would have a negligible impact on discretionary spending over the next five years.

## PAY-AS-YOU-GO CONSIDERATIONS

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in direct spending that are subject to those pay-as-you-go procedures are shown in the following table.

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**CBO Estimate of Pay-As-You-Go Effects for H.R. 1526 as ordered reported by the House Committee on Natural Resources on July 31, 2013**

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|   | By Fiscal Year, in Millions of Dollars |      |      |      |      |      |      |      |      |      |      |      | 2013- | 2013- |
|---|--|------|------|------|------|------|------|------|------|------|------|------|-------|-------|
|   | 2013                                   | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2018 | 2023  |       |
| <b>NET INCREASE OR DECREASE(-) IN THE DEFICIT</b> |  |      |      |      |      |      |      |      |      |      |      |      |       |       |
| Statutory Pay-As-You-Go Impact                    | 0                                      | 376  | -50  | -63  | -77  | -100 | -111 | -66  | -63  | -61  | -53  | 86   | -269  |       |

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## **INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT**

H.R. 1526 would impose intergovernmental and private-sector mandates on plaintiffs, including public and private entities, seeking judicial review of some activities on federal lands. CBO estimates that the aggregate cost of the mandates in the bill would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$75 million and \$150 million in 2013, respectively, adjusted annually for inflation).

The bill would impose a mandate on plaintiffs seeking judicial review of projects carried out by the Forest Service under title I by establishing bonding requirements. In order to elicit judicial review of those projects, plaintiffs would be required to post a bond. The value of the bond would be equal to the estimated litigation costs of the federal government. The cost of the mandate would be the purchase price of required bonds, typically 10 percent of the bond amount. CBO expects that both the number of timber projects by Forest Service that would be subject to litigation and the bond fee in those cases would be relatively small. Therefore, CBO expects that the annual cost of the mandate would not be substantial.

Additionally, the bill would prohibit plaintiffs from seeking a preliminary injunction to temporarily stop activities, such as logging, on the federal lands to be managed by the state of Oregon under title III. Preliminary injunctions are issued only in cases where compensation awarded by the court could not equal the potential personal damage or damage to property. By eliminating a right of action, the bill would impose a mandate. The cost of the mandate would be any forgone income that would occur without a preliminary injunction. Because losses of income would generally not occur for the types of cases involved, the mandate would probably impose no costs.

Counties with federal forest lands and the State of Oregon would benefit from provisions in the bill related to timber sales and would receive about \$900 million over the 2014-2023 period.

### **ESTIMATE PREPARED BY:**

Federal Costs: Jeff LaFave

Impact on State, Local, and Tribal Governments: Melissa Merrell

Impact on the Private Sector: Amy Petz

### **ESTIMATE APPROVED BY:**

Theresa Gullo

Deputy Assistant Director for Budget Analysis

2. **Section 308(a) of Congressional Budget Act.** As required by clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the affected agencies, CBO estimates that enacting the legislation would increase direct spending by \$376 million in 2014 and by \$86 million over the 2014-2018 period, but would reduce direct spending by \$269 million over the 2014-2023 period. Because the bill would affect direct spending, pay-as-you-go procedures apply.

In addition, CBO expects that implementing H.R. 1526 would increase discretionary spending for certain Forest Service activities and reduce discretionary spending for certain Bureau of Land Management activities. Based on information from those agencies, CBO estimates that the change in net discretionary spending would not be significant, assuming appropriation actions consistent with the purposes of the bill. Enacting the legislation would not affect revenues.

3. **General Performance Goals and Objectives.** As required by clause 3(c)(4) of Rule XIII, the general performance goal or objective of this bill is to restore employment and educational opportunities in, and improve the economic stability of, counties containing National Forest System land, while also reducing Forest Service management costs, by ensuring that such counties have a dependable source of revenue from National Forest System land, and to provide a temporary extension of the Secure Rural Schools and Community Self-Determination Act of 2000.

#### **EARMARK STATEMENT**

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of Rule XXI of the Rules of the House of Representatives.

#### **COMPLIANCE WITH PUBLIC LAW 104-4**

This bill contains no unfunded mandates.

#### **COMPLIANCE WITH H. RES. 5**

**Directed Rule Making.** The Chairman estimates that this bill directs the Secretary of Agriculture to conduct one rulemaking.

**Duplication of Existing Programs.** This bill does establish or reauthorize one or more programs of the federal government known to be duplicative of another program. However, the intent of the new forestry programs in titles I, II, III and IV of this bill is to replace or rebuild existing, ineffective national forestry management programs to produce jobs, restore healthy forests throughout the county, reduce the risks of catastrophic wildfires and create revenue sources for states and local communities to fund schools, roads and provide other public services. These communities are severely impacted by the pervasive presence of federal forested lands,

which cannot be subject to state or local taxes but still require local and state government investments like roads, fire and police protection, and school services for local federal employees. In addition, the reauthorizations contained in title V of the bill are intended as a short-term bridge to transition to the new, more effective and efficient new programs created by the other titles. Several of the reauthorized programs were included in a 2011 report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

#### **FEDERAL ADVISORY COMMITTEE STATEMENT**

The functions of the proposed advisory committee authorized in the bill are not currently being nor could they be performed by one or more agencies, an advisory committee already in existence or by enlarging the mandate of an existing advisory committee.

#### **PREEMPTION OF STATE, LOCAL OR TRIBAL LAW**

This bill is not intended to preempt any State, local or tribal law.

#### **CHANGES IN EXISTING LAW**

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

## ACT OF AUGUST 28, 1937

AN ACT relating to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands situated in the State of Oregon.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* [That notwithstanding any provisions in the Acts of June 9, 1916 (39 Stat. 218), and February 26, 1919 (40 Stat. 1179), as amended, such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, shall be managed, except as provided in section 3 hereof, for permanent forest production, and the timber thereon shall be sold, cut, and removed in conformity with the principal of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities: *Provided,* That nothing herein shall be construed to interface with the use and development of power sites as may be authorized by law.

[The annual productive capacity for such lands shall be determined and declared as promptly as possible after the passage of this Act, but until such determination and declaration are made the average annual cut therefrom shall not exceed one-half billion feet board measure: *Provided,* That timber from said lands in an amount not less than one-half billion feet board measure, or not less than the annual sustained yield capacity when the same has been determined and declared, shall be sold annually, or so much thereof as can be sold at reasonable prices on a normal market.

[If the Secretary of the Interior determines that such action will facilitate sustained-yield management, he may subdivide such revested lands into sustained-yield forest units, the boundary lines of which shall be so established that a forest unit will provide, insofar as practicable, a permanent source of raw materials for the support of dependent communities and local industries of the region; but until such subdivision is made the land shall be treated as a single unit in applying the principle of sustained yield, *Provided,* That before the boundary lines of such forest units are established, the Department, after published notice thereof, shall hold a hearing thereon in the vicinity of such lands open to the attendance of State and local officers, representatives of dependent industries, residents, and other persons interested in the use of such lands.

Due consideration shall be given to established lumbering operations in subdividing such lands when necessary to protect the economic stability of dependent communities. Timber sales from a forest unit shall be limited to the productive capacity of such unit and the Secretary is authorized, in his discretion, to reject any bids which may interfere with the sustained-yield management plan of any unit.

[SEC. 2. The Secretary of the Interior is authorized, in his discretion, to make cooperative agreements with other Federal or State forest administrative agencies or with private forest owners or operators for the coordinated administration, with respect to time, rate, method of cutting, and sustained yield, of forest units comprising parts of revested or reconveyed lands, together with lands in private ownership or under the administration of other public agencies, when by such agreements he may be aided in accomplishing the purposes hereinbefore mentioned.

[SEC. 4. The Secretary of the Interior is authorized, in his discretion, to lease for grazing any of said revested or reconveyed lands which may be so used without interfering with the production of timber or other purposes of this Act as stated in section 1: *Provided*, That all the moneys receive on account of grazing leases shall be covered either into the "Oregon and California land-grant fund" or the "Coos Bay Wagon Road grant fund" in the Treasury as the location of the leased lands shall determine, and be subject to distribution as other moneys in such funds: *Provided further*, That the Secretary is also authorized to formulate rules and regulations for the use, protection, improvement, and rehabilitation of such grazing lands.

[SEC. 5. The Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect. The Secretary of the Interior is further authorized, in formulating forest-practice rules and regulations, to consult with the Oregon State Board of Forestry, representatives of timber owners and operators on or contiguous to said revested and reconveyed lands, and other persons or agencies interested in the use of such lands.

[In formulating regulations for the protection of such timberlands against fire, the Secretary is authorized, in his discretion, to consult and advise with Federal, State, and county agencies engaged in forest-fire-protection work, and to make agreements with such agencies for the cooperative administration of fire regulations, therein: *Provided*, That rules and regulations for the protection of the revested lands from fire shall conform with the requirements and practices of the State of Oregon insofar as the same are consistent with the interests of the United States.

## [TITLE II

[That on and after March 1, 1938, all moneys deposited in the Treasury of the United States in the special fund designated the "Oregon and California land-grant fund" shall be distributed annually as follow:

[(a) Fifty per centum to the counties in which the lands re-vested under the Act of June 9, 1916 (39 Stat. 218), are situated,

to be payable on or after June 30, 1938, and each year thereafter to each of said counties in the proportion that the total assessed value of the Oregon and California grant lands in each of said counties for the year 1915 bears to the total assessed value of all of said lands in the State of Oregon for said year, such moneys to be used as other county funds: *Provided, however,* That for the purposes of this subsection the portion of the said revested Oregon and California railroad grant lands in each of said counties which was not assessed for the year 1915 shall be deemed to have been assessed at the average assessed value of the grant lands in said county.

[(b) Twenty-five per centum of said counties as money in lieu of taxes accrued or which shall accrue to them prior to March 1, 1938, under the provisions of the Act of July 13, 1926 (44 Stat. 915), and which taxes are unpaid on said date, such moneys to be paid to said counties severally by the Secretary of the Treasury of the United States, upon certification by the Secretary of the Interior, until such tax indebtedness as shall have accrued prior to March 1, 1938, is extinguished.

[From and after payment of the above accrued taxes said 25 per centum shall be accredited annually to the general fund in the Treasury of the United States until all reimbursable charges against the Oregon and California land-grant fund owing to the general fund in the Treasury have been paid: *Provided,* That if for any year after the extinguishment of the tax indebtedness accruing to the counties prior to March 1, 1938, under provisions of Forty-fourth Statutes, page 915, the total amount payable under subsection (a) of this title is less than 78 per centum of the aggregate amount of tax claims which accrued to said counties under said Act for the year 1934, there shall be additionally payable for such year such portion of said 25 per centum (but not in excess of three-fifths of said 25 per centum), as may be necessary to make up the deficiency. When the general fund in the Treasury has been fully reimbursed for the expenditures which were made charges against the Oregon and California land-grant fund said 25 per centum shall be paid annually, on or after September 30, to the several counties in the manner provided in subsection (a) hereof.

[(c) Twenty-five per centum to be available for the administration of this Act, in such annual amounts as the Congress shall from time to time determine. Any part of such per centum not used for administrative purposes shall be covered into the general fund of the Treasury of the United States: *Provided,* That moneys covered into the Treasury in such manner shall be used to satisfy the reimbursable charges against the Oregon and California land-grant fund mentioned in subsection (b) so long as any such charges shall exist.

[All Acts or parts of Acts in conflict with this Act are hereby repealed to the extent necessary to give full force and effect to this Act.]

**WILD AND SCENIC RIVERS ACT**

\* \* \* \* \*

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) \* \* \*

\* \* \* \* \*

(5) ROGUE, OREGON.—The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge; to be administered by agencies of the Departments of the Interior or Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President. *In addition to the segment described in the previous sentence, the following segments in the Rogue River area are designated:*

(A) KELSEY CREEK.—*The approximately 4.8 miles of Kelsey Creek from east section line of T32S, R9W, sec. 34, W.M. to the confluence with the Rogue River as a wild river.*

(B) EAST FORK KELSEY CREEK.—*The approximately 4.6 miles of East Fork Kelsey Creek from the Wild Rogue Wilderness boundary in T33S, R8W, sec. 5, W.M. to the confluence with Kelsey Creek as a wild river.*

(C) WHISKY CREEK.—

(i) *The approximately 0.6 miles of Whisky Creek from the confluence of the East Fork and West Fork to 0.1 miles downstream from road 33-8-23 as a recreational river.*

(ii) *The approximately 1.9 miles of Whisky Creek from 0.1 miles downstream from road 33-8-23 to the confluence with the Rogue River as a wild river.*

(D) EAST FORK WHISKY CREEK.—

(i) *The approximately 2.8 miles of East Fork Whisky Creek from the Wild Rogue Wilderness boundary in T33S, R8W, sec. 11, W.M. to 0.1 miles downstream of road 33-8-26 crossing as a wild river.*

(ii) *The approximately .3 miles of East Fork Whisky Creek from 0.1 miles downstream of road 33-8-26 to the confluence with Whisky Creek as a recreational river.*

(E) WEST FORK WHISKY CREEK.—*The approximately 4.8 miles of West Fork Whisky Creek from its headwaters to the confluence with Whisky Creek as a wild river.*

(F) BIG WINDY CREEK.—

(i) *The approximately 1.5 miles of Big Windy Creek from its headwaters to 0.1 miles downstream from road 34-9-17.1 as a scenic river.*

(ii) *The approximately 5.8 miles of Big Windy Creek from 0.1 miles downstream from road 34-9-17.1 to the confluence with the Rogue River as a wild river.*

(G) EAST FORK BIG WINDY CREEK.—

(i) *The approximately 0.2 miles of East Fork Big Windy Creek from its headwaters to 0.1 miles downstream from road 34-8-36 as a scenic river.*

(ii) *The approximately 3.7 miles of East Fork Big Windy Creek from 0.1 miles downstream from road 34-8-36 to the confluence with Big Windy Creek as a wild river.*

(H) LITTLE WINDY CREEK.—*The approximately 1.9 miles of Little Windy Creek from 0.1 miles downstream of road 34-8-36 to the confluence with the Rogue River as a wild river.*

(I) HOWARD CREEK.—

(i) The approximately 0.3 miles of Howard Creek from its headwaters to 0.1 miles downstream of road 34-9-34 as a scenic river.

(ii) The approximately 6.9 miles of Howard Creek from 0.1 miles downstream of road 34-9-34 to the confluence with the Rogue River as a wild river.

(J) MULE CREEK.—The approximately 6.3 miles of Mule Creek from east section line of T32S, R10W, sec. 25, W.M. to the confluence with the Rogue River as a wild river.

(K) ANNA CREEK.—The approximately 3.5-mile section of Anna Creek from its headwaters to the confluence with Howard Creek as a wild river.

(L) MISSOURI CREEK.—The approximately 1.6 miles of Missouri Creek from the Wild Rogue Wilderness boundary in T33S, R10W, sec. 24, W.M. to the confluence with the Rogue River as a wild river.

(M) JENNY CREEK.—The approximately 1.8 miles of Jenny Creek from the Wild Rogue Wilderness boundary in T33S, R9W, sec.28, W.M. to the confluence with the Rogue River as a wild river.

(N) RUM CREEK.—The approximately 2.2 miles of Rum Creek from the Wild Rogue Wilderness boundary in T34S, R8W, sec. 9, W.M. to the confluence with the Rogue River as a wild river.

(O) EAST FORK RUM CREEK.—The approximately 1.5 miles of East Rum Creek from the Wild Rogue Wilderness boundary in T34S, R8W, sec. 10, W.M. to the confluence with Rum Creek as a wild river.

(P) WILDCAT CREEK.—The approximately 1.7-mile section of Wildcat Creek from its headwaters downstream to the confluence with the Rogue River as a wild river.

(Q) MONTGOMERY CREEK.—The approximately 1.8-mile section of Montgomery Creek from its headwaters downstream to the confluence with the Rogue River as a wild river.

(R) HEWITT CREEK.—The approximately 1.2 miles of Hewitt Creek from the Wild Rogue Wilderness boundary in T33S, R9W, sec. 19, W.M. to the confluence with the Rogue River as a wild river.

(S) BUNKER CREEK.—The approximately 6.6 miles of Bunker Creek from its headwaters to the confluence with the Rogue River as a wild river.

(T) DULOG CREEK.—

(i) The approximately 0.8 miles of Dulog Creek from its headwaters to 0.1 miles downstream of road 34-8-36 as a scenic river.

(ii) The approximately 1.0 miles of Dulog Creek from 0.1 miles downstream of road 34-8-36 to the confluence with the Rogue River as a wild river.

(U) QUAIL CREEK.—The approximately 1.7 miles of Quail Creek from the Wild Rogue Wilderness boundary in T33S, R10W, sec. 1, W.M. to the confluence with the Rogue River as a wild river.

(V) MEADOW CREEK.—The approximately 4.1 miles of Meadow Creek from its headwaters to the confluence with the Rogue River as a wild river.

(W) RUSSIAN CREEK.—The approximately 2.5 miles of Russian Creek from the Wild Rogue Wilderness boundary in T33S, R8W, sec. 20, W.M. to the confluence with the Rogue River as a wild river.

(X) ALDER CREEK.—The approximately 1.2 miles of Alder Creek from its headwaters to the confluence with the Rogue River as a wild river.

(Y) BOOZE CREEK.—The approximately 1.5 miles of Booze Creek from its headwaters to the confluence with the Rogue River as a wild river.

(Z) BRONCO CREEK.—The approximately 1.8 miles of Bronco Creek from its headwaters to the confluence with the Rogue River as a wild river.

(AA) COPSEY CREEK.—The approximately 1.5 miles of Copsey Creek from its headwaters to the confluence with the Rogue River as a wild river.

(BB) CORRAL CREEK.—The approximately 0.5 miles of Corral Creek from its headwaters to the confluence with the Rogue River as a wild river.

(CC) COWLEY CREEK.—The approximately 0.9 miles of Cowley Creek from its headwaters to the confluence with the Rogue River as a wild river.

(DD) DITCH CREEK.—The approximately 1.8 miles of Ditch Creek from the Wild Rogue Wilderness boundary in T33S, R9W, sec. 5, W.M. to its confluence with the Rogue River as a wild river.

(EE) FRANCIS CREEK.—The approximately 0.9 miles of Francis Creek from its headwaters to the confluence with the Rogue River as a wild river.

(FF) LONG GULCH.—The approximately 1.1 miles of Long Gulch from the Wild Rogue Wilderness boundary in T33S, R10W, sec. 23, W.M. to the confluence with the Rogue River as a wild river.

(GG) BAILEY CREEK.—The approximately 1.7 miles of Bailey Creek from the west section line of T34S, R8W, sec.14, W.M. to the confluence of the Rogue River as a wild river.

(HH) SHADY CREEK.—The approximately 0.7 miles of Shady Creek from its headwaters to the confluence with the Rogue River as a wild river.

(II) SLIDE CREEK.—

(i) The approximately 0.5-mile section of Slide Creek from its headwaters to 0.1 miles downstream from road 33-9-6 as a scenic river.

(ii) The approximately 0.7-mile section of Slide Creek from 0.1 miles downstream of road 33-9-6 to the confluence with the Rogue River as a wild river.

\* \* \* \* \*

(69) CHETCO, OREGON.—

(A) DESIGNATIONS.— The 44.5-mile segment from its headwaters to the Siskiyou National Forest boundary; to be administered by the Secretary of Agriculture in the following classes:

[(A)] (i) The [25.5-mile] 27.5-mile segment from its headwaters to [Boulder Creek at the Kalmiopsis Wilderness boundary] *Mislatnah Creek* as a wild river;

[(B)] (ii) the [8] 7.5-mile segment from [Boulder Creek] *Mislatnah Creek* to [Steel Bridge] *Eagle Creek* as a scenic river; and

[(C)] (iii) the [11] 9.5-mile segment from [Steel Bridge] *Eagle Creek* to the Siskiyou National Forest boundary, one mile below Wilson Creek, as a recreational river.

(B) *WITHDRAWAL*.—Subject to valid rights, the Federal land within the boundaries of the river segments designated by subparagraph (A), is withdrawn from all forms of—

(i) entry, appropriation, or disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

\* \* \* \* \*

(102) [SQUAW CREEK] *WHYCHUS CREEK*, OREGON.—The 15.4-mile segment from its source to the hydrologic Gaging Station 800 feet upstream from the intake of the [McAllister Ditch, including the Soap Fork Squaw Creek, the North Fork, the South Fork, the East and West Forks of Park Creek, and Park Creek Fork] *Plainview Ditch*, including the Soap Creek, the North and South Forks of *Whychus Creek*, the East and West Forks of *Park Creek*, and *Park Creek*; to be administered by the Secretary of Agriculture as follows:

(A) \* \* \*

(B) the 8.8-mile segment from the boundary of the Three Sisters Wilderness Area to the hydrologic Gaging Station 800 feet upstream from the intake of the [McAllister Ditch] *Plainview Ditch* as a scenic river: *Provided*, That nothing in this Act shall prohibit the construction of facilities necessary for emergency protection for the town of Sisters relative to a rapid discharge of Carver Lake if no other reasonable flood warning or control alternative exists.

\* \* \* \* \*

( ) *MOLALLA RIVER*, OREGON.—The following segments in the State of Oregon, to be administered by the Secretary of the Interior as a recreational river:

(A) The approximately 15.1-mile segment from the southern boundary line of T. 7 S., R. 4 E., sec. 19, downstream to the edge of the Bureau of Land Management boundary in T. 6 S., R. 3 E., sec. 7.

(B) The approximately 6.2-mile segment from the easternmost Bureau of Land Management boundary line in the NE $\frac{1}{4}$  sec. 4, T. 7 S., R. 4 E., downstream to the confluence with the Molalla River.

( ) *FRANKLIN CREEK*, OREGON.—The 4.5-mile segment from the headwaters to the private land boundary in section 8

to be administered by the Secretary of Agriculture as a wild river.

( ) WASSON CREEK, OREGON.—

(A) The 4.2-mile segment from the eastern edge of section 17 downstream to the boundary of sections 11 and 12 to be administered by the Secretary of Interior as a wild river.

(B) The 5.9-mile segment downstream from the boundary of sections 11 and 12 to the private land boundary in section 22 to be administered by the Secretary of Agriculture as a wild river.

\* \* \* \* \*

ACT OF MAY 23, 1908

(Public Law Chapter 192)

AN ACT making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June thirtieth, nineteen hundred and nine, for the purposes and objects hereinafter expressed, namely:

DEPARTMENT OF AGRICULTURE

\* \* \* \* \*

FOREST SERVICE

\* \* \* \* \*

That hereafter an amount equal to [the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years] 25 percent of all amounts received for the applicable fiscal year from each national forest shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which [said reserve] the national forest is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the [forest reserve] national forest is situated: Provided, That when any [forest reserve] national forest is in more than one State or Territory or county the distributive share to each from the proceeds of [said reserve] the national forest shall be proportional to its area therein. In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by this Act shall be based upon the stumpage value of the timber. Beginning October 1, 1976, the term "moneys received" shall include all collections under the Act of June 9, 1930, and all amounts earned or allowed any purchaser of national forest timber and other forest products within such State as purchaser credits, for the construction of

roads on the National Forest Transportation System within such national forests or parts thereof in connection with any Forest Service timber sales contract. The Secretary of Agriculture shall, from time to time as he goes through his process of developing the budget revenue estimates, make available to the States his current projections of revenues and payments estimated to be made under the Act of May 23, 1908, as amended, or any other special Acts making payments in lieu of taxes, for their use for local budget planning purposes.

\* \* \* \* \*

**ACT OF MARCH 1, 1911**

\* \* \* \* \*

SEC. 13. That an amount equal to [the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years] *25 percent of all amounts received for the applicable fiscal year* from each national forest shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the state legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided*, That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein. Beginning October 1, 1976, the term "moneys received" shall include all collections under the Act of June 9, 1930, and all amounts earned or allowed any purchaser of national forest timber and other forest products within such State as purchaser credits, for the construction of roads on the National Forest Transportation System within such national forests or parts thereof in connection with any Forest Service timber sales contract. The Secretary of Agriculture shall, from time to time as he goes through his process of developing the budget revenue estimates, make available to the States his current projections of revenues and payments estimated to be made under the Act of May 23, 1908, as amended, or any other special Acts making payments in lieu of taxes for their use for local budget planning purposes.

\* \* \* \* \*

**DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999**

**STEWARDSHIP END RESULT CONTRACTING PROJECTS**

SEC. 347. (a) **IN GENERAL.**—Until September 30, [2013] 2017, the Forest Service and the Bureau of Land Management, via agreement or contract as appropriate, may enter into stewardship contracting projects with private persons or other public or private entities to perform services to achieve land management goals for the

national forests and the public lands that meet local and rural community needs.

\* \* \* \* \*

(c) AGREEMENTS OR CONTRACTS.—

(1) \* \* \*

(2) TERM.—A multiyear contract may be entered into under subsection (a) in accordance with section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c), except that the period of the contract may exceed 5 years but may not exceed ~~10 years~~ 20 years.

\* \* \* \* \*

(4) CANCELLATION CEILING.—

(A) AUTHORITY.—*The Chief of the Forest Service and the Director of the Bureau of Land Management may obligate funds to cover any potential cancellation or termination costs for an agreement or contract under subsection (a) in stages that are economically or programmatically viable.*

(B) NOTICE TO CONGRESS.—*Not later than 30 days before entering into a multiyear agreement or contract under subsection (a) that includes a cancellation ceiling in excess of \$25,000,000, but does not include proposed funding for the costs of cancelling the agreement or contract up to the cancellation ceiling established in the agreement or contract, the Chief or the Director, as the case may be, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a written notice that includes—*

*(i) the cancellation ceiling amounts proposed for each program year in the agreement or contract and the reasons for such cancellation ceiling amounts;*

*(ii) the extent to which the costs of contract cancellation are not included in the budget for the agreement or contract; and*

*(iii) an assessment of the financial risk of not including budgeting for the costs of agreement or contract cancellation.*

(C) NOTICE TO OMB.—*At least 14 days before the date on which the Chief or Director enters into an agreement or contract under subsection (a), the Chief or Director shall transmit to the Director of the Office of Management and Budget a copy of any written notice submitted under subparagraph (B) with regard to such agreement or contract.*

(5) FIRE LIABILITY PROVISIONS.—*Not later than 90 days after the date of enactment of this paragraph, the Chief of the Forest Service and the Director of the Bureau of Land Management shall issue, for use in all contracts and agreements under subsection (a), fire liability provisions that are in substantially the same form as the fire liability provisions contained in—*

*(A) integrated resource timber contracts, as described in the Forest Service contract numbered 2400-13, part H, section H.4; and*

(B) timber sale contracts conducted pursuant to section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a).

[(4)] (6) RELATION TO OTHER LAWS.—The Forest Service may enter into agreement or contracts under subsection (a), notwithstanding subsections (d) and (g) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a).

[(5)] (7) CONTRACTING OFFICER.—Notwithstanding any other provision of law, the Secretary of Agriculture or the Secretary of the Interior may determine the appropriate contracting officer to enter into and administer an agreement or contract under subsection (a).

\* \* \* \* \*

**NATIONAL FOREST MANAGEMENT ACT OF 1976**

\* \* \* \* \*

**TIMBER SALES ON NATIONAL FOREST SYSTEM LANDS**

SEC. 14. (a) \* \* \*

\* \* \* \* \*

(g) [(Designation, marking when necessary,] *Designation, including marking when necessary, or designation by description or by prescription,* and supervision of harvesting of trees, portions of trees, or forest products shall be conducted by persons employed by the Secretary of Agriculture. Such persons shall have no personal interest in the purchase or harvest of such products and shall not be directly or indirectly in the employment of the purchaser thereof.

\* \* \* \* \*

## EXCHANGE OF LETTERS

FRANK D. LUCAS, OKLAHOMA,  
CHAIRMAN

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VICE CHAIRMAN

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SEAN PATRICK MALONEY, NEW YORK

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JOHN GARAMENI, CALIFORNIA

# U.S. House of Representatives

## Committee on Agriculture

Room 1301, Longworth House Office Building

Washington, DC 20515-6001

(202)225-2171

(202)225-0917 FAX

September 10, 2013

The Honorable Doc Hastings  
Chairman  
Committee on Natural Resources  
1324 Longworth HOB  
Washington, D.C. 20515

Dear Chairman Hastings:

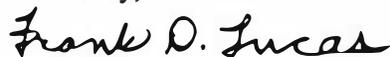
Thank you for the opportunity to review the relevant provisions of the text of H.R. 1526, the Restoring Healthy Forests for Healthy Communities Act. As you are aware, the bill was primarily referred to the Committee on Natural Resources, while the Agriculture Committee received an additional referral.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I agree to discharge H.R. 1526 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill, the Committee on Agriculture does not waive any future jurisdictional claim on this or similar matters. Further, the Committee on Agriculture reserves the right to seek the appointment of conferees, if it should become necessary.

I ask that you insert a copy of our exchange of letters into the *Congressional Record* during consideration of this measure on the House floor.

Thank you for your courtesy in this matter and I look forward to continued cooperation between our respective committees.

Sincerely,



Frank D. Lucas  
Chairman

cc: The Honorable John A. Boehner, Speaker  
The Honorable Collin C. Peterson  
The Honorable Peter DeFazio  
Mr. Thomas J. Wickham, Parliamentarian

NICOLE SCOTT,

STAFF DIRECTOR

KEVIN J. KRAMP,

CHIEF COUNSEL

ROBERT L. LAREW,

MINORITY STAFF DIRECTOR

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STEVE DAINES, MT  
KEVIN CRAMER, ND  
DOUG LAMALFA, CA  
JASON SMITH, MO

TODD YOUNG  
CHIEF OF STAFF

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

September 11, 2013

PETER A. DeFAZIO, OR  
RANKING DEMOCRATIC MEMBER  
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PENNY DODGE  
DEMOCRATIC STAFF DIRECTOR

The Honorable Frank D. Lucas  
Chairman  
Committee on Agriculture  
1301 Longworth HOB  
Washington, D.C. 20515

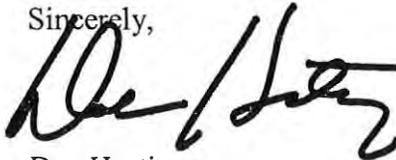
Dear Mr. Chairman:

Thank you for your letter regarding H.R. 1526, the Restoring Healthy Forests for Healthy Communities Act. As you know, the Committee on Natural Resources ordered reported the bill, as amended, on July 31, 2013. I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Agriculture will forego action on the bill.

The Committee on Natural Resources concurs with the mutual understanding that by foregoing consideration of H.R. 1526 at this time, the Committee on Agriculture does not waive any jurisdiction over the subject matter contained in this or similar legislation. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Agriculture represented on the conference committee. Finally, I would be pleased to include your letter and this response in the bill report filed by the Committee on Natural Resources, as well as in the *Congressional Record* during floor consideration, to memorialize our understanding.

Thank you for your cooperation.

Sincerely,



Doc Hastings  
Chairman

cc: The Honorable John A. Boehner, Speaker  
The Honorable Peter A. DeFazio  
The Honorable Collin C. Peterson  
The Honorable Thomas J. Wickham, Parliamentarian

## ADDITIONAL VIEWS

DOC HASTINGS, WA  
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ROB BISHOP, UT  
DOUG LAMBORN, CO  
ROBERT J. WITTMAN, VA  
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JOHN FLEMING, LA  
TOM MCCLINTOCK, CA  
GLENN THOMPSON, PA  
CYNTHIA LUMMIS, WV  
DAN BENISHEK, MI  
JEFF DUNCAN, SC  
SCOTT R. TIPTON, CO  
PAUL A. GOSAR, AZ  
RAÚL R. LABRADOR, ID  
STEVE SOUTHERLAND II, FL  
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MARK AMODEI, NV  
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STEVE DAINES, MT  
KEVIN CRAMER, ND  
DOUG LAMALFA, CA  
JASON SMITH, MD

TODD YOUNG  
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# U.S. House of Representatives

## Committee on Natural Resources

### Washington, DC 20515

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#### Additional Views H.R. 1526

Democrats are strongly committed to finding solutions to the serious challenges facing rural, economically depressed communities that depend on federal forests. Unfortunately, H.R. 1526 as ordered reported from the Committee is not that solution. Provisions in the bill go well beyond what is necessary to achieve the legislation's stated goals, would dramatically alter the management of our national forests, and undermine the multi-use mission of our public lands.

Title I would force the Secretary of Agriculture to create timber production zones (Forest Reserve Revenue Areas) within each national forest unit of the National Forest System. Each unit would be required to meet annual timber volume targets set at half of what the forest grows each year. Meeting these targets would require logging and related road building in currently protected, roadless areas and national monuments, limit public review by legislatively prescribing compliance with the National Environmental Protection Act (NEPA), limit scientific review by establishing a "non-jeopardy" presumption for all logging projects, and limit judicial review by requiring plaintiffs to post bonds and putting restrictions and timelines on court decisions.

Title II is intended to address insects, disease, and other forest health issues on National Forest and BLM lands. These issues should be addressed in bipartisan legislation. Unfortunately, this Title is overly broad and would allow the Secretary to implement hazardous fuel projects using the controversial expedited NEPA process provided in Title I. While designated wilderness areas, areas already prohibited from logging, and national monuments are excluded from the Title, inventoried roadless areas are not. Further, we question the need and wisdom of allowing governors to designate "high risk areas" on Federal land.

Title IV would establish "community forest demonstration areas" that would be managed by state boards of trustees, be at least 200,000 acres, and be governed by state forest practices laws. Devolving national forest system lands with a multi-use mandate to state governments with a timber production mandate under varying and less protective state laws is highly problematic – not least because it would overturn more than 100 years of national forest management precedent. Title IV has major implications for implementation of NEPA, ESA, the Clean Water Act, and the Clean Air Act, as those statutes currently apply to national forest lands. This model also calls into question existing rights, subsurface rights, and tribal sovereignty and consultation. Democrats strongly object to the devolution of U.S. Forest Service lands to state and county governments.

The minority strongly supports Section 501 of Title V to extend the Secure Rural Schools and Community Self-Determination Act of 2000 for one year at the Fiscal Year 2010 level. These support payments are critical to providing struggling rural and forested counties across the country with the resources they need to offer basic government services like education, law enforcement, and health care to members of their communities.

Democrats offered various amendments to modify the most contentious provisions and to try to shape a bill that could be supported on a bipartisan basis. Representative Huffman (D-CA) offered an amendment that would have retained all federal protections for our national forests while giving land management agencies tools they need to better manage for the impacts of climate change, forest health, and to help prevent catastrophic wildfires. Provisions in the Huffman amendment have already been passed by the U.S. Senate on a bipartisan basis and could be signed into law tomorrow. Unfortunately, that amendment was defeated on a party line vote. Democrats offered amendments to strike the most controversial language of the bill that undermines NEPA and ESA and to preserve the status quo of herbicide application on the statutorily unique O&C Lands. Those amendments were also defeated on a party line vote.

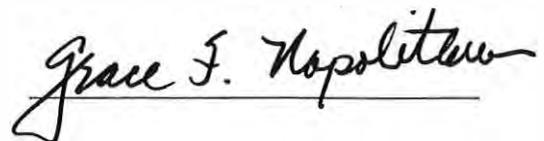
Many of the management challenges associated with our national forests are related to the lack of federal funding. That's not a partisan issue. Both the Bush and Obama administrations have come up short on funding for hazardous fuel projects and providing our federal land management agencies with the resources they need to carry out their mandates. This problem is likely to get worse with budget sequestration and shrinking federal budgets.

The Committee should focus on improving existing management tools for our land management agencies. The agencies only now appear ready to begin using the tools Congress gave them under the Health Forest Restoration Act (HFRA) that we negotiated on a bipartisan basis out of this Committee and out of the House. There are also opportunities with stewardship contracting and Good Neighbor Authority to lower agency costs, improve ecosystem health, and produce substantial commercial value to private contractors. These tools work and should be expanded upon.

There is common ground on these issues. Democrats stand ready to work with the majority to move forward on a bipartisan basis on forest health, fire, disease, bugs, and providing economic opportunity in rural, forest counties across the country.



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